

**NOTICE OF TELECONFERENCE**  
**GOVERNMENT AFFAIRS COMMITTEE MEETING**

**June 11, 2013**

**1:00 p.m.**

**Board of Chiropractic Examiners  
901 P Street, Suite 142A  
Sacramento, CA 95814  
(916) 263-5355**

**Teleconference Locations with Public Access**

Julie Elginer, Dr. PH  
Agoura Hills Library  
29901 Ladyface Court  
Agoura Hills, CA 91301-2582  
(818) 889-2278

Frank Ruffino  
Office of Community Resources  
480 Alta Road  
San Diego, CA 92179  
(619) 661-8654

Heather Dehn, D.C.  
Dehn Chiropractic  
4616 El Camino Avenue, Suite B  
Sacramento, CA 95821  
(916) 488-0202

**AGENDA**

- 1. CALL TO ORDER**
- 2. Approval of Minutes**  
May 7, 2013
- 3. Legislative Update**
  - **AB 186 (Maienschein) – Professions and Vocations: military spouses: temporary licenses**
  - **AB 213 (Logue) – Healing Arts: licensure and certification requirements: military experience**
  - **AB 393 (Cooley) – Office of Business and Economic Development: Internet Web Site**
  - **AB 512 (Rendon) – Healing arts: licensure exemption**
  - **AB 722 (Lowenthal) – Vehicles: driver's licenses: medical examinations**
  - **AB 1000 (Wieckowski) – Physical Therapists: direct access to services: professional corporations/AB 1003 (Maienschein) – Professional corporations: healing arts practitioners**
  - **AB 1057 (Chavez) – State Agencies: veterans**
  - **SB 46 (Corbett) – Personal Information: privacy**
  - **SB176 (Galgiani) – Administrative procedures**
  - **SB 306 (Price) – Healing arts: boards**

4. UPDATE ON STRATEGIC PLAN
5. PUBLIC COMMENT
6. FUTURE AGENDA ITEMS
7. ADJOURNMENT

**GOVERNMENT AFFAIRS COMMITTEE**

Julie Elginer, Dr. PH, Chair  
Heather Dehn, D.C.  
Frank Ruffino

*The Board of Chiropractic Examiners' paramount responsibility is to protect California consumers from the fraudulent, negligent, or incompetent practice of chiropractic care.*

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A quorum of the Board may be present at the Committee meeting. However, Board members who are not on the committee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at [www.chiro.ca.gov](http://www.chiro.ca.gov).

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The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or e-mail [marlene.valencia@chiro.ca.gov](mailto:marlene.valencia@chiro.ca.gov) or send a written request to the Board of Chiropractic Examiners, 901 P Street, Ste. 142A Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.



**Board of Chiropractic Examiners  
TELECONFERENCE MEETING MINUTES  
Government Affairs Committee  
May 7, 2013  
2525 Natomas Park Drive  
Conference Room, 2<sup>nd</sup> Floor, Suite 260  
Sacramento, CA 95833**

**Teleconference Locations**

Julie Elginer, Dr. PH  
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(916) 488-0202

**Committee Members Present**

Julie Elginer, Dr. PH, Chair  
Heather Dehn, D.C.  
Frank Ruffino

**Staff Present**

Robert Puleo, Executive Officer  
Linda Shaw, Licensing/Admin. Manager  
Dixie Van Allen, Associate Governmental Program Analyst

**Call to Order**

Dr. Elginer called the meeting to order at 1:02 p.m.

**Roll Call**

Dr. Dehn called the roll. All committee members were present.

**Approval of Minutes**

**MOTION: FRANK RUFFINO MOVED TO APPROVE THE MINUTES OF THE APRIL 5, 2013  
GOVERNMENT AFFAIRS COMMITTEE MEETING**

SECOND: DR. DEHN SECONDED THE MOTION  
VOTE: 3-0  
MOTION CARRIED

#### Legislative Update

DR. ELGINER PROPOSED TO MOVE THE FOLLOWING BILLS OFF OF THE TABLE FOR ACTION DURING THIS LEGISLATIVE SESSION DUE TO CLASSIFICATION AS A TWO-YEAR BILL OR REPURPOSING: (AB 555 (SALAS), AB 376 (DONNELLY), AB 653 (PEREZ), AB 866 (LINDER), SB 381 (YEE), SB 626 (BEALL)).

MOTION: DR. DEHN MOVED TO RECOMMEND THAT THE BOARD TAKE AN "OPPOSE" POSITION ON AB 186 (MAIENSCHIN) – PROFESSIONS AND VOCATIONS: MILITARY SPOUSES.

SECOND: DR. ELGINER SECONDED THE MOTION  
VOTE: 3-0  
MOTION CARRIED

MOTION: FRANK RUFFINO MOVED TO RECOMMEND THAT THE BOARD TAKE AN "OPPOSE UNLESS AMENDED" POSITION ON AB 213 (LOGUE) – HEALING ARTS: LICENSURE AND CERTIFICATION REQUIREMENTS: MILITARY EXPERIENCE

SECOND: DR. DEHN SECONDED THE MOTION  
VOTE: 3-0  
MOTION CARRIED

MOTION: DR. DEHN MOVED TO RECOMMEND THAT THE BOARD TAKE AN "OPPOSE" POSITION ON AB 376 (DONNELLY) – REGULATIONS NOTICE

SECOND: FRANK RUFFINO SECONDED THE MOTION  
VOTE: 3-0  
MOTION CARRIED

The Committee Members discussed AB 393 (Cooley) and agreed to maintain their decision from the last meeting to propose a "neutral" position to the full board.

MOTION: DR. DEHN MOVED TO RECOMMEND THAT THE BOARD TAKE A "NEUTRAL" POSITION ON AB 512 (RENDON) – HEALING ARTS: LICENSURE EXEMPTION.

SECOND: FRANK RUFFINO SECONDED THE MOTION  
VOTE: 3-0  
MOTION CARRIED

The Committee Members discussed AB 722 (Lowenthal) and agreed to maintain their decision from the last meeting to propose a "support" position to the full board.

MOTION: DR. DEHN MOVED TO TABLE AB 1003 (MAIENSCHIN) – PROFESSIONAL CORPORATIONS: HEALING ARTS PRACTITIONERS UNTIL STAFF CAN PREPARE AN ANALYSIS ON AB 1000, WHICH NOW CONTAINS THE CONTENTS OF AB 1003.

SECOND: FRANK RUFFINO SECONDED THE MOTION  
VOTE: 3-0

## **MOTION CARRIED**

**MOTION: FRANK RUFFINO MOVED TO RECOMMEND THAT THE BOARD TAKE A "NEUTRAL" POSITION ON SB 46 (CORBETT) – PERSONAL INFORMATION: PRIVACY.**  
**SECOND: DR. DEHN SECONDED THE MOTION**

**VOTE: 3-0**

## **MOTION CARRIED**

The Committee Members discussed SB 176 (Galgiani) and agreed to maintain their decision from the last meeting to propose an "oppose" position to the full board.

The Committee Members discussed SB 306 (Price) and agreed to maintain their decision from the last meeting to propose a "watch" position to the full board.

## **Public Comment**

There were no public comments.

## **Future Agenda Items**

- Legislation – AB 1000 (Wieckowski) and AB 1057 (Medina)
- Dr. Elginer requested an update on the Strategic Plan.
- The Committee Members agreed to convene the next Government Affairs Committee by teleconference on June 11, 2013 from 1:00 p.m. to 3:00 p.m.

## **Adjournment**

Dr. Elginer adjourned the meeting at 1:57 p.m.

## Board of Chiropractic Examiners Bill Analysis

**Bill Number:** AB 186  
**Author:** Assembly Member: Brian Maienschein  
**Bill Date:** Amended, May 24, 2013  
**Subject:** Professions and Vocations: military spouses: temporary licenses  
**Sponsor:** None

**STATUS OF BILL:** May 24, 2014 passed Assembly Appropriations Committee (17-0) and moved to Senate; May 29, 2013, read 1st time in Senate and referred to RLS Committee for assignment.

### **SUMMARY:**

This bill would require boards within DCA who have not established a temporary licensing process prior to January 1, 2014, to issue temporary licenses to spouses or domestic partners of active duty members of the Armed Forces.

### **EXISTING LAW:**

- Provides for the licensure and regulation of various professions and businesses within the Department of Consumer Affairs.
- The Chiropractic Initiative Act of California provides for the licensure and regulation of chiropractors.
- The Chiropractic Initiative Act provides for the issuance of reciprocal licenses in chiropractic from states with the same general requirements as California and which reciprocate licenses from California.
- Requires boards and bureaus within DCA to expedite the reciprocal licensure process for applicants who are married or domestic partners of active duty members of the Armed Forces.

### **THIS BILL WOULD:**

- Require boards within DCA who have not established a temporary licensing process prior to January 1, 2014, to issue a temporary license to applicants who qualify for an expedited license pursuant to BPC section 115.5.
- Establish an expiration date of the temporary license as 12 months after issuance, or upon denial of the application for expedited licensure, whichever comes first.
- Authorize the board to deny or revoke the temporary license of any applicant who committed any act that constitutes grounds for discipline at the time the act was committed, has been disciplined by another licensing entity, or is the subject of

an unresolved complaint, review procedure, or disciplinary proceeding by a licensing entity in another jurisdiction.

- Require the board to approve the issuance of temporary licenses based on an affidavit attesting to the fact that the applicant meets the requirements the temporary license, that the information contained within the application is accurate and that the applicant's license from another jurisdiction is in good standing.
- Require fingerprints for purposes of a criminal background check, upon request by the Board.

### **BACKGROUND:**

According to the author, an estimated 26% of military spouses residing in California are unemployed and seeking work as a result of delayed licensing processes of regulatory boards and bureaus. This bill will allow military spouses to support their families by having the ability to look for employment immediately while going through the licensing process.

### **FISCAL IMPACT:**

This bill would impact regulatory boards by requiring them to issue temporary licenses to military spouses subject to BPC section 115.5. Costs incurred by the boards would include fees to support the creation and printing of a temporary license, staff time to process the licenses and mailing costs. However, the BCE is unable to comply with this bill, as currently drafted, as the Chiropractic Initiative Act (Act) prohibits the BCE from issuing any type of license other than a license to practice chiropractic.

### **SUPPORT & OPPOSITION:**

#### **Support:**

- California Architects Board
- California Association for Health Services at Home
- Department of Defense (DOD)
- National Military Family Association
- San Diego Military Advisory Council

#### **Opposition:**

- American Association for Marriage and Family Therapy, California Division
- Board for Professional Engineers, Land Surveyors, and Geologists
- California Nurses Association
- California Board of Chiropractic Examiners

## **ARGUMENTS:**

### **Pro:**

- This bill would enable applicants who are spouses or domestic partners of active duty military to begin working in the profession, with a temporary license, for which they are applying for licensure while awaiting the issuance of a reciprocal license.

### **Con:**

- The issuance of provisional licenses is mandatory; therefore the bill conflicts with the Chiropractic Initiative Act, which provides that the Board shall issue only one form of certificate, which shall be designated "License to practice chiropractic".
- This bill may increase the threat of consumer harm by allowing applicants to work based on an affidavit on the application rather than waiting for the results of the DOJ and FBI background check. Affidavits do not guarantee that the applicant answered the questions truthfully.
- This bill will have a fiscal impact upon licensing entities through added duties for staff to issue the temporary licenses and cost of creating, printing and mailing the temporary licenses, including promulgating regulations to implement this process.
- The Chiropractic Initiative Act prohibits the BCE from reciprocating licenses with states that do not have similar requirements and do not reciprocate licenses with California.

## **STAFF RECOMMENDED POSITION:**

**OPPOSE:** The BCE opposes this bill as amended, as the Chiropractic Initiative Act does not provide the Board with authority to issue any other type of license other than a license to practice chiropractic and allowing an applicant to practice prior to completion of a full background check poses a threat of consumer harm.



AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 22, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 186**

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**Introduced by Assembly Member Maienschein  
(Principal coauthor: Assembly Member Hagman)  
(Coauthors: Assembly Members Chávez, Dahle, Donnelly,  
Beth Gaines, Grove, Harkey, Olsen, and Patterson)  
(Coauthors: Senators Fuller and Huff)**

January 28, 2013

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An act to amend Section 115.5 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 186, as amended, Maienschein. Professions and vocations: military spouses: temporary licenses.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides for the issuance of reciprocal licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Existing law requires that the licensing fees imposed by certain boards within the department be deposited in funds that are continuously appropriated. Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and

who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

This bill would require a board within the department to issue a temporary license to an applicant who qualifies for, and requests, expedited licensure pursuant to the above-described provision if he or she meets specified requirements, *except as provided*. The bill would require the temporary license to expire 12 months after issuance, upon issuance of the expedited license, or upon denial of the application for expedited licensure by the board, whichever occurs first. The bill would authorize a board to conduct an investigation of an applicant for purposes of denying or revoking a temporary license, and would authorize a criminal background check as part of that investigation. The bill would require an applicant seeking a temporary license to submit an application to the board that includes a signed affidavit attesting to the fact that he or she meets all of the requirements for the temporary license and that the information submitted in the application is accurate, as specified. The bill would also require the application to include written verification from the applicant's original licensing jurisdiction stating that the applicant's license is in good standing.

This bill would prohibit a temporary license from being provided to any applicant who has committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license at the time the act was committed. The bill would provide that a violation of the above-described provision may be grounds for the denial or revocation of a temporary license. The bill would further prohibit a temporary license from being provided to any applicant who has been disciplined by a licensing entity in another jurisdiction, or is the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction. The bill would require an applicant, upon request by a board, to furnish a full set of fingerprints for purposes of conducting a criminal background check.

Because the bill would authorize the expenditure of continuously appropriated funds for a new purpose, the bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 115.5 of the Business and Professions  
2 Code is amended to read:

3 115.5. (a) ~~A~~ Except as provided in subdivision (d), a board  
4 within the department shall expedite the licensure process for an  
5 applicant who meets both of the following requirements:

6 (1) Supplies evidence satisfactory to the board that the applicant  
7 is married to, or in a domestic partnership or other legal union  
8 with, an active duty member of the Armed Forces of the United  
9 States who is assigned to a duty station in this state under official  
10 active duty military orders.

11 (2) Holds a current license in another state, district, or territory  
12 of the United States in the profession or vocation for which he or  
13 she seeks a license from the board.

14 (b) (1) A board shall, after appropriate investigation, issue a  
15 temporary license to an applicant who is eligible for, and requests,  
16 expedited licensure pursuant to subdivision (a) if the applicant  
17 meets the requirements described in paragraph (3). The temporary  
18 license shall expire 12 months after issuance, upon issuance of the  
19 expedited license, or upon denial of the application for expedited  
20 licensure by the board, whichever occurs first.

21 (2) The board may conduct an investigation of an applicant for  
22 purposes of denying or revoking a temporary license issued  
23 pursuant to this subdivision. This investigation may include a  
24 criminal background check.

25 (3) (A) An applicant seeking a temporary license issued  
26 pursuant to this subdivision shall submit an application to the board  
27 which shall include a signed affidavit attesting to the fact that he  
28 or she meets all of the requirements for the temporary license and  
29 that the information submitted in the application is accurate, to the  
30 best of his or her knowledge. The application shall also include  
31 written verification from the applicant's original licensing  
32 jurisdiction stating that the applicant's license is in good standing  
33 in that jurisdiction.

34 (B) The applicant shall not have committed an act in any  
35 jurisdiction that would have constituted grounds for denial,  
36 suspension, or revocation of the license under this code at the time  
37 the act was committed. A violation of this subparagraph may be



State of California  
Edmund G. Brown Jr., Governor

May 17, 2013

The Honorable Mike Gatto, Chair  
Assembly Appropriations Committee  
P.O. Box 942849, Room 2114  
Sacramento, California 94249-0043

**RE: AB 186 - OPPOSE**

Dear Assembly Member Gatto:

The Board of Chiropractic Examiners (BCE), at its May 9, 2013 Board Meeting unanimously voted to take a position of oppose on AB 186 (Maienschein), which would require boards within the Department of Consumer Affairs to issue temporary licenses to spouses or domestic partners of active duty members of the Armed Forces.

The Board fears that issuing a license to applicants prior to completing the full background check and license verification would put the public at risk of potential harm. Affidavits do not ensure that the information included in the application is truthful.

Additionally, the mandate to issue temporary licenses in this bill conflicts with the Chiropractic Initiative Act. Business and Professions Code section 7 (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii), hereinafter Act, states in part:

*"One form of certificate shall be issued by the board of chiropractic examiners, which said certificate shall be designated "License to practice chiropractic," which license shall authorize the holder thereof to practice chiropractic in the State of California as taught in chiropractic schools or colleges..."*

The Act further defines the educational requirements, fees, and conditions under which the BCE may issue a license to practice chiropractic. Lastly, the Act prohibits the BCE from reciprocating licenses with states that do not have similar requirements and do not reciprocate licenses with California.

The Act was created through an initiative measure in 1922 and can only be changed through a ballot initiative. Therefore, the BCE is unable to comply with the provisions in this bill based on the restrictions imposed by the Act described above.

T (916) 263-5355	Board of Chiropractic Examiners
F (916) 263-5369	2525 Natomas Park Drive, Suite 260
TT/TDD (800) 735-2929	Sacramento, California 95833-2931
Consumer Complaint Hotline	<a href="http://www.chiro.ca.gov">www.chiro.ca.gov</a>
(866) 543-1311	

The BCE respectfully asks for your no vote on this bill.

Please contact me at (916) 263-5359 if you have any questions regarding the BCE's position on this bill. Thank you for your consideration.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Rob Puleo", written over the typed name.

ROBERT PULEO  
Executive Officer

cc: Members, Assembly Appropriations Committee



State of California  
Edmund G. Brown Jr., Governor

May 15, 2013

The Honorable Brian Maienschein  
California State Assembly  
P.O. Box 942849, Room 3098  
Sacramento, California 94249-0077

**RE: AB 186 - OPPOSE**

Dear Assembly Member Maienschein:

The Board of Chiropractic Examiners (BCE) respectfully wishes to inform you that at a board meeting on May 9, 2013, the BCE unanimously voted to take a position of oppose on your bill, AB 186, which would require boards within the Department of Consumer Affairs to issue temporary licenses to spouses or domestic partners of active duty members of the Armed Forces.

The Board fears that issuing a license to applicants prior to completing the full background check and license verification would put the public at risk of potential harm. Affidavits do not ensure that the information included in the application is truthful.

Additionally, the mandate to issue temporary licenses in this bill conflicts with the Chiropractic Initiative Act. Business and Professions Code section 7 (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii), hereinafter Act, states in part:

*"One form of certificate shall be issued by the board of chiropractic examiners, which said certificate shall be designated "License to practice chiropractic," which license shall authorize the holder thereof to practice chiropractic in the State of California as taught in chiropractic schools or colleges..."*

The Act further defines the educational requirements, fees, and conditions under which the BCE may issue a license to practice chiropractic. Lastly, the Act prohibits the BCE from reciprocating licenses with states that do not have similar requirements and do not reciprocate licenses with California.

The Act was created through an initiative measure in 1922 and can only be changed through a ballot initiative. Therefore, the BCE is unable to comply with the provisions in this bill based on the restrictions imposed by the Act described above.

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Consumer Complaint Hotline	<a href="http://www.chiro.ca.gov">www.chiro.ca.gov</a>
(866) 543-1311	

Please contact me at (916) 263-5359 if you have any questions on the BCE's position.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'R. Puleo', with a long horizontal stroke extending to the right.

ROBERT PULEO  
Executive Officer

cc: by email to Matthew Peralta, Legislative Aide

## Board of Chiropractic Examiners Bill Analysis

**Bill Number:** AB 393  
**Author:** Assembly Member: Ken Cooley  
**Bill Date:** Amended May 24, 2013  
**Subject:** Office of Business and Economic Development: Internet Web site  
**Sponsor:** California Small Business Association

**STATUS OF BILL:** Passed Committee on Appropriations on May 24, 2013 (17-0); ordered to Senate. Read 1<sup>st</sup> time in Senate, referred to Committee on RLS for assignment.

### **SUMMARY:**

This bill would require the Governor's Office of Business and Economic Development to create a website containing fee requirements and schedules of licensing, permitting and registration fees and requirements for small businesses.

### **EXISTING LAW:**

- Requires the Director of the Governor's Office of Business and Economic Development to ensure that the office's Internet Web site contains information to assist individuals with licensing, permitting and registration requirements for businesses.
- Requires regulatory boards and bureaus to provide licensing, registration, and permitting fees and requirements on their website.

### **THIS BILL WOULD:**

- Provide an all-inclusive website to access licensing, permitting and registration fees and requirements, via direct links to digital copies of information and forms, in one place to assist small business owners plan and manage their businesses.
- Provides the Governor's Office of Business and Economic Development with authority to impose a reasonable fee for access to this information over their Web Site in order to cover the cost to provide this service to the public.

### **BACKGROUND:**

According to the author, small businesses are required to pay a variety of fees to numerous state agencies throughout the year. Monitoring the various fees and requirements are burdensome to small businesses which already have limited capital and time. This bill will help small businesses to avoid unpaid fees, late charges and



mismanagement of their finances by placing all of the requirements and fees on one central Web site.

**FISCAL IMPACT:**

This bill would not have a fiscal impact upon the BCE. At the time this bill would become law; the BCE will be under DCA. All of this information is already collected in DCA's annual report and would be provided to the Governor's Office by the department.

**SUPPORT & OPPOSITION:**

**Support:**

- Association Builders and Contractors of California
- California Business Roundtable
- California Chamber of Commerce
- California League of Food Processors
- California Manufacturers and Technology Association
- California Restaurant Association
- California Small Business Association (Sponsor)
- California Taxpayers Association
- Carmichael Chamber of Commerce
- Citrus Heights Regional Chamber of Commerce
- Golden State Builders Exchanges
- Natural Federation of Independent Business
- Rancho Cordova Chamber of Commerce
- Small Business California
- United Contractors

Opposition: None on record

**ARGUMENTS:**

**Pro:**

- This bill will provide small business owners with a central place to find all state business requirements and fees.
- This bill will improve compliance with regulatory requirements and simplify the compliance burden on small businesses.
- The author states that this bill will reduce the administrative workload for state agencies.

**Con:**

- This will require significant time and resources by the Director of the Governor's Office of Business and Economic Development to implement and maintain this information.

**STAFF RECOMMENDED POSITION: NEUTRAL**

AMENDED IN ASSEMBLY MAY 24, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 393**

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**Introduced by Assembly Member Cooley**

February 15, 2013

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An act to amend Section 12019.5 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 393, as amended, Cooley. Office of Business and Economic Development: Internet Web site.

Existing law requires the Director of the Governor's Office of Business and Economic Development to ensure that the office's Internet Web site contains information to assist an individual with the licensing, permitting, and registration requirements necessary to start a business. Existing law also requires a state agency that the Governor determines has licensing authority to provide accurate updated information about its licensing requirements, as provided. *Existing law also authorizes the Governor to impose a reasonable fee, not to exceed the actual cost to provide the service, upon users of the Internet Web site.*

This bill would require the Director of the Governor's Office of Business and Economic Development to ensure that the office's Internet Web site contains information on the fee requirements and fee schedules of state agencies and would also require a state agency that the Governor determines has licensing, permitting, or registration authority to provide accurate updated information about its fee schedule to the Governor's Office of Business and Economic Development, as provided. *This bill, with regard to the imposition of a reasonable fee upon users of the*

*Internet Web site, would instead authorize the Governor's Office of Business and Economic Development to impose that fee.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. The Legislature finds and declares all of the  
2     following:

- 3     (a) Small business is a cornerstone of California's economy.  
4     (b) There are approximately 3.5 million small businesses in  
5     California and they account for 99 percent of the state's employers.  
6     (c) Nationwide, approximately one-half of all new small  
7     businesses survive five years or more and only one-third survive  
8     longer than 10 years.

9     SECTION 1.

10    SEC. 2. Section 12019.5 of the Government Code is amended  
11    to read:

12    12019.5. (a) The Director of the Governor's Office of Business  
13    and Economic Development shall ensure that the office's Internet  
14    Web site contains information on the licensing, permitting, and  
15    registration requirements of state agencies, and shall include, but  
16    not be limited to, information that does all of the following:

17    (1) Assists individuals with identifying the type of applications,  
18    forms, or other similar documents an applicant may need.

19    (2) Provides a *direct link to a digital copy* of all state licensing,  
20    permitting, and registration applications, forms, or other similar  
21    documents where made available for download. ~~If a direct link to~~  
22    ~~a digital copy cannot be provided, the digital copy shall be posted~~  
23    ~~and made easily accessible for download on the Internet Web site.~~

24    (3) Instructs individuals on how and where to submit  
25    applications, forms, or other similar documents.

26    (b) The Director of the Governor's Office of Business and  
27    Economic Development shall ensure that the office's Internet Web  
28    site contains information on the fee requirements and fee schedules  
29    of state agencies, and shall include, but not be limited to,  
30    information that does all of the following:

31    (1) Assists individuals with identifying the types of fees and  
32    their due dates.

1 (2) Provides direct links to the fee requirements and fee  
2 schedules for all state agencies. ~~If a direct link cannot be provided,~~  
3 ~~the information shall be posted and made easily accessible on the~~  
4 ~~office's Internet Web site agencies, where made available for~~  
5 ~~download.~~

6 (3) Instructs individuals on how and where to submit payments.

7 (c) ~~The Governor~~ *Governor's Office of Business and Economic*  
8 *Development* shall ensure that the Internet Web site is user friendly  
9 and provides accurate, updated information.

10 (d) (1) Each state agency that ~~the Governor determines~~ has  
11 licensing, *permitting, or registration* authority shall provide  
12 ~~accurate updated direct links to~~ information about its licensing,  
13 *permitting, and registration* requirements and fee schedule to the  
14 *Governor's Office of Business and Economic Development.*

15 (2) A state agency shall not use the Internet Web site established  
16 under this section as the exclusive source of information for the  
17 public to access licensing requirements and fees for that agency.

18 (e) ~~The Governor, or his or her designee,~~ *Governor's Office of*  
19 *Business and Economic Development* may impose a reasonable  
20 fee, not to exceed the actual cost to provide the service, as a  
21 condition of accessing information on the Internet Web site  
22 established under subdivisions (a) and (b).

## Board of Chiropractic Examiners Bill Analysis

**Bill Number:** AB 512  
**Author:** Rendon  
**Bill Date:** Introduced – 02/20/2013  
**Subject:** Healing Arts: Licensure Exemption  
**Sponsor:** County of Los Angeles.

**STATUS OF BILL:** Passed Assembly Floor (74-0) on 04/25/13. Referred to Senate Committee on B.,P. and E.D. on 05/19/13. Hearing date set for June 10, 2013.

### **SUMMARY:**

This bill would extend the sunset date for an existing law that allows out-of-state medical practitioners to volunteer their services at specified health care events for uninsured or underinsured persons in California.

### **EXISTING LAW:**

- Establishes the Chiropractic Initiative Act, approved by voters on November 7, 1922, to regulate the practice of chiropractors.
- Requires the Board of Chiropractic Examiners, upon receipt of a specified fee, to issue a license to any person licensed to practice chiropractic in another state, provided that the other state had the same general requirements as California at the time the license was issued, and that the other state grants reciprocal registration.
- Provides that in a state of emergency, as defined, a health care practitioner licensed in another state that offers or provides health care for which he or she is licensed, is exempt from licensure.
- Establishes reciprocity eligibility requirements for certain health care practitioners who are licensed in other states, including physicians and surgeons, nurses, and dentists.
- Exempts from state licensure, until January 1, 2014, health care practitioners who are licensed or certified in other states and who provide health care services on a voluntary basis to uninsured or underinsured persons in California.

### **THIS BILL WOULD:**

Extend from 2014 to 2018, the sunset date of the California licensure exemption for specified health care practitioners who are licensed or certified in other states and who provide health care services on a voluntary basis to uninsured or underinsured persons in California.

## **BACKGROUND:**

AB 2699 (Bass), Chapter 270, Statutes of 2010, created a four-year exemption from California licensure for health care practitioners who are licensed or certified in other states and who provide health care services on a voluntary basis to uninsured or underinsured persons in California. That bill allowed an out-of-state healthcare provider to work in California if his or her license is in good standing and he or she receives permission from, and registers with, the appropriate Department of Consumer Affairs licensing board. The entity sponsoring the free health care event is required to notify the appropriate DCA licensing board and the county health department in writing of the event and maintain a list of its healthcare volunteers. Many healing arts boards have not yet promulgated regulations to implement AB 2699.

This bill is intended to give those boards that have not yet passed regulations more time to do so.

## **FISCAL IMPACT:**

Likely minor, absorbable impact to the BCE. The Board will need to adopt regulations to allow out-of-state licensees to participate in sponsored health events. The existing law (AB 2699) authorizes regulatory boards to collect a fee to cover the cost of processing requests. To date, the BCE has not receive any requests to participate in these events and we don't anticipate a significant number of request going forward.

## **SUPPORT & OPPOSITION:**

Support: Los Angeles County (sponsor)  
Association of California Healthcare Districts

Opposition: California Nurses Association  
American Nurses Association of California

## **ARGUMENTS:**

### **Pro:**

The bill's sponsor, Los Angeles County, argues that::

- There are more than two million uninsured persons in Los Angeles County, alone.
- Even with the beginning of health care reform implementation in January 2014, there will still remain a residually uninsured population who will continue to benefit from the health sponsored events, such as the Care Harbor Health Events in Los Angeles.
- Extending AB 2699's provisions to 2018 will continue to provide access to needed health care and dental services to uninsured and underinsured persons.

Con:

Opponents argue that:

- The scope of services provided at the free events targeted by the law is broad, and may include several invasive procedures.
- Un- and underinsured patients deserve to have the protection of state enforcement when undergoing any procedures.
- It is unfair to burden un- and underinsured patients with the costs and challenges of suing a practitioner who lives in another state.
- Un- and underinsured patients should have the same rights as everyone else to seek help from the appropriate state regulatory board if they have been harmed or injured by a healing arts practitioner, or if they believe that the practitioner has otherwise not practiced in accordance with California state laws."

**STAFF RECOMMENDED POSITION:**

**NEUTRAL** – This bill extends the effective date of a law that is already in place and that has not had an impact on BCE. The BCE anticipate minimal, if any, future impact if the existing law is extended pursuant to this bill.

**ASSEMBLY BILL**

**No. 512**

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**Introduced by Assembly Member Rendon**

February 20, 2013

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An act to amend Section 901 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 512, as introduced, Rendon. Healing arts: licensure exemption.

Existing law provides for the licensure and regulation of various healing arts practitioners by boards within the Department of Consumer Affairs. Existing law provides an exemption from these requirements for a health care practitioner licensed in another state who offers or provides health care for which he or she is licensed during a state of emergency, as defined, and upon request of the Director of the Emergency Medical Services Authority, as specified.

Existing law provides, until January 1, 2014, an exemption from the licensure and regulation requirements for a health care practitioner, as defined, licensed or certified in good standing in another state or states, who offers or provides health care services for which he or she is licensed or certified through a sponsored event, as defined, (1) to uninsured or underinsured persons, (2) on a short-term voluntary basis, (3) in association with a sponsoring entity that registers with the applicable healing arts board, as defined, and provides specified information to the county health department of the county in which the health care services will be provided, and (4) without charge to the recipient or a 3rd party on behalf of the recipient, as specified. Existing law also requires an exempt health care practitioner to obtain prior authorization to provide these services from the applicable licensing



board, as defined, and to satisfy other specified requirements, including payment of a fee as determined by the applicable licensing board.

This bill would delete the January 1, 2014, date of repeal, and instead allow the exemption to operate until January 1, 2018.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 901 of the Business and Professions Code  
2 is amended to read:

3 901. (a) For purposes of this section, the following provisions  
4 apply:

5 (1) "Board" means the applicable healing arts board, under this  
6 division or an initiative act referred to in this division, responsible  
7 for the licensure or regulation in this state of the respective health  
8 care practitioners.

9 (2) "Health care practitioner" means any person who engages  
10 in acts that are subject to licensure or regulation under this division  
11 or under any initiative act referred to in this division.

12 (3) "Sponsored event" means an event, not to exceed 10 calendar  
13 days, administered by either a sponsoring entity or a local  
14 government, or both, through which health care is provided to the  
15 public without compensation to the health care practitioner.

16 (4) "Sponsoring entity" means a nonprofit organization  
17 organized pursuant to Section 501(c)(3) of the Internal Revenue  
18 Code or a community-based organization.

19 (5) "Uninsured or underinsured person" means a person who  
20 does not have health care coverage, including private coverage or  
21 coverage through a program funded in whole or in part by a  
22 governmental entity, or a person who has health care coverage,  
23 but the coverage is not adequate to obtain those health care services  
24 offered by the health care practitioner under this section.

25 (b) A health care practitioner licensed or certified in good  
26 standing in another state, district, or territory of the United States  
27 who offers or provides health care services for which he or she is  
28 licensed or certified is exempt from the requirement for licensure  
29 if all of the following requirements are met:

30 (1) Prior to providing those services, he or she does all of the  
31 following:

1 (A) Obtains authorization from the board to participate in the  
2 sponsored event after submitting to the board a copy of his or her  
3 valid license or certificate from each state in which he or she holds  
4 licensure or certification and a photographic identification issued  
5 by one of the states in which he or she holds licensure or  
6 certification. The board shall notify the sponsoring entity, within  
7 20 calendar days of receiving a request for authorization, whether  
8 that request is approved or denied, provided that, if the board  
9 receives a request for authorization less than 20 days prior to the  
10 date of the sponsored event, the board shall make reasonable efforts  
11 to notify the sponsoring entity whether that request is approved or  
12 denied prior to the date of that sponsored event.

13 (B) Satisfies the following requirements:

14 (i) The health care practitioner has not committed any act or  
15 been convicted of a crime constituting grounds for denial of  
16 licensure or registration under Section 480 and is in good standing  
17 in each state in which he or she holds licensure or certification.

18 (ii) The health care practitioner has the appropriate education  
19 and experience to participate in a sponsored event, as determined  
20 by the board.

21 (iii) The health care practitioner shall agree to comply with all  
22 applicable practice requirements set forth in this division and the  
23 regulations adopted pursuant to this division.

24 (C) Submits to the board, on a form prescribed by the board, a  
25 request for authorization to practice without a license, and pays a  
26 fee, in an amount determined by the board by regulation, which  
27 shall be available, upon appropriation, to cover the cost of  
28 developing the authorization process and processing the request.

29 (2) The services are provided under all of the following  
30 circumstances:

31 (A) To uninsured or underinsured persons.

32 (B) On a short-term voluntary basis, not to exceed a  
33 10-calendar-day period per sponsored event.

34 (C) In association with a sponsoring entity that complies with  
35 subdivision (d).

36 (D) Without charge to the recipient or to a third party on behalf  
37 of the recipient.

38 (c) The board may deny a health care practitioner authorization  
39 to practice without a license if the health care practitioner fails to

1 comply with this section or for any act that would be grounds for  
2 denial of an application for licensure.

3 (d) A sponsoring entity seeking to provide, or arrange for the  
4 provision of, health care services under this section shall do both  
5 of the following:

6 (1) Register with each applicable board under this division for  
7 which an out-of-state health care practitioner is participating in  
8 the sponsored event by completing a registration form that shall  
9 include all of the following:

10 (A) The name of the sponsoring entity.

11 (B) The name of the principal individual or individuals who are  
12 the officers or organizational officials responsible for the operation  
13 of the sponsoring entity.

14 (C) The address, including street, city, ZIP Code, and county,  
15 of the sponsoring entity's principal office and each individual listed  
16 pursuant to subparagraph (B).

17 (D) The telephone number for the principal office of the  
18 sponsoring entity and each individual listed pursuant to  
19 subparagraph (B).

20 (E) Any additional information required by the board.

21 (2) Provide the information listed in paragraph (1) to the county  
22 health department of the county in which the health care services  
23 will be provided, along with any additional information that may  
24 be required by that department.

25 (e) The sponsoring entity shall notify the board and the county  
26 health department described in paragraph (2) of subdivision (d) in  
27 writing of any change to the information required under subdivision  
28 (d) within 30 calendar days of the change.

29 (f) Within 15 calendar days of the provision of health care  
30 services pursuant to this section, the sponsoring entity shall file a  
31 report with the board and the county health department of the  
32 county in which the health care services were provided. This report  
33 shall contain the date, place, type, and general description of the  
34 care provided, along with a listing of the health care practitioners  
35 who participated in providing that care.

36 (g) The sponsoring entity shall maintain a list of health care  
37 practitioners associated with the provision of health care services  
38 under this section. The sponsoring entity shall maintain a copy of  
39 each health care practitioner's current license or certification and  
40 shall require each health care practitioner to attest in writing that

1 his or her license or certificate is not suspended or revoked pursuant  
2 to disciplinary proceedings in any jurisdiction. The sponsoring  
3 entity shall maintain these records for a period of at least five years  
4 following the provision of health care services under this section  
5 and shall, upon request, furnish those records to the board or any  
6 county health department.

7 (h) A contract of liability insurance issued, amended, or renewed  
8 in this state on or after January 1, 2011, shall not exclude coverage  
9 of a health care practitioner or a sponsoring entity that provides,  
10 or arranges for the provision of, health care services under this  
11 section, provided that the practitioner or entity complies with this  
12 section.

13 (i) Subdivision (b) shall not be construed to authorize a health  
14 care practitioner to render care outside the scope of practice  
15 authorized by his or her license or certificate or this division.

16 (j) (1) The board may terminate authorization for a health care  
17 practitioner to provide health care services pursuant to this section  
18 for failure to comply with this section, any applicable practice  
19 requirement set forth in this division, any regulations adopted  
20 pursuant to this division, or for any act that would be grounds for  
21 discipline if done by a licensee of that board.

22 (2) The board shall provide both the sponsoring entity and the  
23 health care practitioner with a written notice of termination  
24 including the basis for that termination. The health care practitioner  
25 may, within 30 days after the date of the receipt of notice of  
26 termination, file a written appeal to the board. The appeal shall  
27 include any documentation the health care practitioner wishes to  
28 present to the board.

29 (3) A health care practitioner whose authorization to provide  
30 health care services pursuant to this section has been terminated  
31 shall not provide health care services pursuant to this section unless  
32 and until a subsequent request for authorization has been approved  
33 by the board. A health care practitioner who provides health care  
34 services in violation of this paragraph shall be deemed to be  
35 practicing health care in violation of the applicable provisions of  
36 this division, and be subject to any applicable administrative, civil,  
37 or criminal fines, penalties, and other sanctions provided in this  
38 division.

39 (k) The provisions of this section are severable. If any provision  
40 of this section or its application is held invalid, that invalidity shall

- 1 not affect other provisions or applications that can be given effect
- 2 without the invalid provision or application.
- 3 (d) This section shall remain in effect only until January 1, 2014,
- 4 2018, and as of that date is repealed, unless a later enacted statute,
- 5 that is enacted before January 1, 2014, 2018, deletes or extends
- 6 that date.

## Board of Chiropractic Examiners Bill Analysis

**Bill Number:** AB 722  
**Author:** Assembly Member Bonnie Lowenthal  
**Bill Version:** Amended May 28, 2013  
**Subject:** Vehicles: driver's licenses: medical examinations  
**Sponsor:** California Chiropractic Association  
The Southern California University of Health Services

**STATUS OF BILL:** Amended 05/28/13; Passed Sen. Transportation & Housing Committee on 06/04/13 (10-0). Ordered to 3<sup>rd</sup> reading on June 5<sup>th</sup>.

### **SUMMARY:**

This bill would add doctors of chiropractic to the list of persons authorized to perform physical medical examinations of applicants for specified driver's licenses.

### **EXISTING LAW:**

- The Vehicle Code requires applicants for an original driver's license or renewal certificate to drive a school bus, school pupil bus, youth bus, general public paratransit vehicle, or farm labor vehicle to undergo and pass a physical medical examination.
- Precludes chiropractors from performing medical examinations on persons under the age of 65 for this purpose.
- The Chiropractic Initiative Act of California provides for the licensure and regulation of chiropractors.

### **THIS BILL WOULD:**

- Authorize a licensed doctor of chiropractic listed on the current National Registry of Certified Medical Examiners to perform medical examinations of applicants for specified driver's licenses.
- Clarify that all licensed medical examiners, including chiropractors, that perform physical examinations for commercial license applicants must be in compliance with federal requirements.

### **BACKGROUND:**

Persons applying for a driver's license or renewal certificate to drive a school bus, school pupil activity bus, youth bus, general public paratransit vehicle, or farm labor vehicle are required to undergo and pass a physical examination. Current law allows the medical examination to be performed by a physician licensed to practice medicine, a

licensed advanced practice registered nurse qualified to perform a medical examination, or a licensed physician assistant. Existing law also prohibits chiropractors from performing physical examinations for this purpose on patients under the age of 65. Recently, the Federal Motor Carrier Safety Administration promulgated new regulations to require all providers performing the mandatory U.S. Dept. of Transportation (DOT) medical examinations to be certified and listed on the National Registry of Certified Medical Examiners by April 21, 2014. The DOT defines "medical examiner" as including medical doctors, doctors of osteopathy, physician assistants, advanced practice nurses and doctors of chiropractic. Doctors of chiropractic are educated and trained as a health care portal of entry and primary care providers. As such, they have performed identical medical evaluations of patients for other purposes and should not be excluded from performing physical examinations of bus and farm equipment drivers who are under the age of 65.

#### **FISCAL IMPACT:**

This bill would not have a fiscal impact upon the BCE.

#### **SUPPORT & OPPOSITION:**

##### **Support:**

- California Chiropractic Association
- The Southern California University of Health Services
- State Board of Chiropractic Examiners

Opposition: None on record

#### **ARGUMENTS:**

##### **Pro:**

- This bill will provide applicants for licenses to drive buses and farm equipment with another health care provider option to perform their physical examination.
- Chiropractic medical examinations may be more accessible and affordable for applicants in rural areas.
- This bill will provide consistency between federal and state regulations.

Con: None

**STAFF RECOMMENDED POSITION: SUPPORT**

AMENDED IN SENATE MAY 28, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 722**

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**Introduced by Assembly Member Lowenthal**

February 21, 2013

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An act to amend Section 12517.2 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 722, as amended, Lowenthal. Vehicles: driver's licenses: medical examinations.

Existing law requires applicants for an original or renewal certificate to drive a schoolbus, school pupil activity bus, youth bus, general public paratransit vehicle, or farm labor vehicle to submit a report, on a form approved by the department, of a medical examination of the applicant given not more than 2 years prior to the date of the application by a physician licensed to practice medicine, a licensed advanced practice registered nurse qualified to perform a medical examination, or a licensed physician assistant.

This bill would add a *specified licensed* doctor of chiropractic ~~and a certified medical examiner, as specified~~, to the list of persons who may make a report of a medical examination of the specified applicants.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.



*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12517.2 of the Vehicle Code is amended  
2 to read:

3 12517.2. (a) Applicants for an original or renewal certificate  
4 to drive a schoolbus, school pupil activity bus, youth bus, general  
5 public paratransit vehicle, or farm labor vehicle shall submit a  
6 report of a medical examination of the applicant given not more  
7 than two years prior to the date of the application by a physician  
8 licensed to practice medicine, a licensed advanced practice  
9 registered nurse qualified to perform a medical examination, a  
10 licensed physician assistant, ~~or a licensed doctor of chiropractic,~~  
11 ~~or a licensed medical examiner~~ *chiropractic* listed on the most  
12 current National Registry of Certified Medical Examiners, as  
13 adopted by the United States Department of Transportation, as  
14 published by the notice in the Federal Register, Volume 77,  
15 Number 77, Friday, April 20, 2012, on pages 24104 to 24135,  
16 inclusive, and pursuant to Section 391.42 of Title 49 of the Code  
17 of Federal Regulations. The report shall be on a form approved by  
18 the department.

19 (b) Schoolbus drivers, within the same month of reaching 65  
20 years of age and each 12th month thereafter, shall undergo a  
21 medical examination, pursuant to Section 12804.9, and shall submit  
22 a report of that medical examination on a form as specified in  
23 subdivision (a).



State of California  
Edmund G. Brown Jr., Governor

May 15, 2013

The Honorable Bonnie Lowenthal  
California State Assembly  
P.O. Box 942849, Room 3152  
Sacramento, California 94249-0070

**RE: AB 722 - SUPPORT**

Dear Assembly Member Lowenthal:

I'm pleased to inform you that the Board of Chiropractic Examiners (BCE) has taken a SUPPORT position on your bill, AB 722, which would add doctors of chiropractic to the list of certified medical examiners authorized to perform medical examinations of applicants for specified commercial driver's licenses.

Doctors of chiropractic are educated and trained to diagnose and act as primary care providers. The BCE believes this bill will provide underserved communities with a less costly and easily accessible alternative for physical examinations as well as provide consistency between state and federal regulations.

Please contact me at (916) 263-5359 if you have any questions on the BCE's position.

Very Truly Yours,

ROBERT PULEO  
Executive Officer

cc: by email to Mary June G. Flores, Legislative Aide

T (916) 263-5355  
F (916) 263-5369  
TT/TDD (800) 735-2929  
Consumer Complaint Hotline  
(866) 543-1311

Board of Chiropractic Examiners  
2525 Natomas Park Drive, Suite 260  
Sacramento, California 95833-2931  
[www.chiro.ca.gov](http://www.chiro.ca.gov)



State of California  
Edmund G. Brown Jr., Governor

May 15, 2013

The Honorable Mark DeSaulnier, Chair  
Senate Committee on Transportation and Housing  
State Capitol, Room 5035  
Sacramento, California 95814-4900

**RE: AB 722 - SUPPORT**

Dear Senator DeSaulnier:

On behalf of the Board of Chiropractic Examiners (BCE), I am writing to express our support for AB 722 (Lowenthal), which would add doctors of chiropractic to the list of certified medical examiners authorized to perform medical examinations of applicants for specified commercial driver's licenses.

Federal regulations currently recognize doctors of chiropractic as "medical examiners"; however, current state law prohibits doctors of chiropractic from performing physical examinations for applicants who are under the age of sixty-five. Doctors of chiropractic are educated and trained to diagnose and act as primary care providers. Oftentimes, their services are sought in underserved communities as a less costly and easily accessible alternative for physical examinations. This bill will provide consistency between federal and state regulations as well as provide a valuable resource to the public.

The BCE respectfully asks for your aye vote on this bill.

Please contact me at (916) 263-5359 if you have any questions regarding the BCE's position on this bill. Thank you for your consideration.

Very Truly Yours,

ROBERT PULEO  
Executive Officer

cc: Members, Senate Committee on Transportation and Housing

## Board of Chiropractic Examiners Bill Analysis

**Bill Number:** AB 1000  
**Author:** Assembly Members: Bob Wieckowski & Brian Maienschein  
**Bill Date:** Amended May 8, 2013  
**Subject:** Physical Therapists: direct access to services: professional corporations  
**Sponsor:** California Physical Therapy Association (original sponsor of AB 1000)  
California Medical Association (sponsor of AB 1003)

**STATUS OF BILL:** Passed out of Assembly on 05/29/13 (77-0), ordered to Senate. Pending in Sen. Committee on RLS for Assignment.

### **SUMMARY:**

This bill would allow patients direct access to physical therapy treatment, authorize licensed physical therapists to be shareholders, officers, directors of a medical corporation or a podiatric medical corporation, and permit professional corporations to employ licensed professionals not specifically listed in the Corporations Code.

### **EXISTING LAW:**

- Provides for the licensure and regulation of various professions and businesses within the Department of Consumer Affairs.
- The Chiropractic Initiative Act of California provides for the licensure and regulation of chiropractors.
- The Moscone-Knox Professional Corporation Act provides for the organization of a professional corporation to render professional services.
- The Moscone-Knox Professional Corporation Act authorizes specified healing arts practitioners to be shareholders, officers, directors, or professional employees of a designated professional corporation.
- The Physical Therapy Practice Act creates the Physical Therapy Board of California, which licenses and regulates physical therapists in California.
- Business and Professions Code section 2620 defines physical therapy.

### **THIS BILL WOULD:**

- Allow patients direct access to physical therapy treatment by a licensed physical therapist.
- Require practitioners referring patients to receive physical therapy services by a physical therapist employed by the professional corporation to comply with existing law regarding financial arrangements for referrals.

- Require practitioners referring patients to receive physical therapy services by a physical therapist employed by the professional corporation to provide a written and oral notice to the patient regarding rights and limitations of the physical therapy treatment as defined in this provision.
- Require physical therapists to refer patients to another healing arts practitioner for conditions requiring treatment or services beyond the scope of physical therapy or when a patient does not show signs of improvement.
- Require physical therapists to disclose any financial interest he or she has in treating the patient and comply with existing laws regarding financial arrangements or referrals if employed by a physical therapy corporation.
- Require the physical therapist to notify the patient's physician and surgeon, if any, of the physical therapy treatment.
- Prohibit a physical therapist from treating a patient beyond 45 days or 12 visits, whichever occurs first, without receiving written authorization of the physical therapy plan from the patient's physician and surgeon or podiatrist obtained following an in-person examination and evaluation of the patient.
- Clarify that the 45 calendar day or 12 visit conditions does not apply to a physical therapist when providing only wellness physical therapy services to a patient.
- Require a physical therapist to provide the patient with oral and written notice of the terms of treatment as specifically defined in this provision.
- Define violations of these provisions as unprofessional conduct subject to disciplinary action by the board.
- Provide that this bill shall not be construed to require a health care service plan or insurer to provide coverage for direct access to treatment by physical therapists.
- Add physical therapists to the list of licensed professionals who may be shareholders, officers, directors, or professional employees of a medical corporation or a podiatric medical corporation.
- Expand the list of licensed professionals eligible for employment by a professional corporation to persons licensed under the Business and Professions Code, The Chiropractic Act, or the Osteopathic Act.

### **BACKGROUND:**

According to the author, in 1965, State Attorney General, Thomas Lynch, issued an opinion that any person in California seeking the treatment of a physical therapist must first obtain a diagnosis from a medical doctor, even though this requirement is not specified in law. This legal opinion has created an unnecessary barrier to physical therapy access.

The author further asserts that in 46 other states and the District of Columbia, patients have the ability to go to a physical therapist directly for treatment. Additionally, among 53 states and U.S. territories that license physical therapists, there are no licensing complaints against physical therapists attributable to direct access.

The author asserts that as early as 1979, the Attorney General's Office issued an opinion confirming that a general corporation could engage in physical therapy practice through its licensed physical therapist employees. Thereafter, the Physical Therapy Board (formerly known as the Physical Therapy Examining Committee) adopted a resolution confirming lay-ownership of a general corporation offering physical therapy services. Similarly, since professional corporations are a subset of general corporations, it was determined that professional corporations could offer physical therapy services through its licensed physical therapists. On November 3, 2010, the Physical Therapy Board rescinded their policy regarding physical therapists employed by professional corporations in response to a non-legally binding Legislative Council opinion release in September of 2010. This rescission threatens the current employment of licensed physical therapists employed by professional corporations.

The author states that this bill is needed to streamline health care delivery and to increase consumer choice and access to needed care, as well as allow full employment opportunities to licensed professionals by professional corporations.

#### **FISCAL IMPACT:**

This bill would not have a fiscal impact upon the BCE.

#### **SUPPORT & OPPOSITION:**

##### **Support:**

- California Physical Therapy Association (Sponsor)
- California Medical Association
- California Orthopaedic Association

##### **Opposition:**

- American College of Physicians – CA Chapter
- California Association of Physician Groups
- California Chiropractic Association

#### **ARGUMENTS:**

##### **Pro:**

- The California Physical Therapy Association asserts that patients with chronic conditions, such as neck or back pain, or those with recurring injuries, such as athletes, will benefit from this bill. Moreover, seniors and low income individuals will not have to incur extra wait time and costly co-pays in order to see a physical therapist that can immediately start a treatment plan and alleviate pain for the patient.
- This bill would afford Californians with the same opportunity to save costs and have reduced waiting times before receiving physical therapy treatment.

- This bill will provide quality of care by eliminating an interruption in the line of communication between physicians and the licensed professionals assisting in the patient's care.
- This bill will allow for continuity of care by distributing patient care among specified licensed health care professionals.
- This bill will protect the jobs of thousands of physical therapists employed by professional corporations and allow full employment opportunities to licensed professionals by professional corporations.
- This bill will allow chiropractic corporations that offer multi-faceted health care to patients a broader range of services through licensed professional employees.

Con:

- The California Association of Physician Groups states, "(AB1000) suggest the support of fragmented, self-directed care, something that is known to be expensive and potentially dangerous. The underlying theme of the Affordable Care Act is to promote coordinated patient care in order to increase the quality of care."
- Patients requiring physical therapy care beyond the 45 day or 12 visit timeframe must have written authorization from a licensed physician and surgeon, osteopathic doctor or podiatrist. Chiropractors can refer patients to physical therapists; however, this provision precludes chiropractors from approving physical therapy treatment plans when additional treatment is required. This provision would cause an unnecessary burden upon patients whose primary doctor is a chiropractor by requiring them to seek alternate care from another practitioner which may also result in higher costs to the patient.
- This bill will unnecessarily expose patients to risk as physical therapists begin treatments without the advantage of proper laboratory or radiological testing, or lack of understanding of an underlying medical condition.

**STAFF RECOMMENDED POSITION:**

**OPPOSE:** The BCE opposes this bill as direct access to physical therapy treatment without testing and diagnosis poses a threat of consumer harm.

AMENDED IN ASSEMBLY MAY 8, 2013  
AMENDED IN ASSEMBLY MAY 7, 2013  
AMENDED IN ASSEMBLY APRIL 25, 2013  
AMENDED IN ASSEMBLY MARCH 21, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1000**

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**Introduced by Assembly Members Wieckowski and Maienschein**

February 22, 2013

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An act to amend Sections 2406 and 2660 of, and to add Sections 2406.5 and 2620.1 to, the Business and Professions Code, and to amend Section 13401.5 of the Corporations Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1000, as amended, Wieckowski. Physical therapists: direct access to services: professional corporations.

Existing law, the Physical Therapy Practice Act, creates the Physical Therapy Board of California and makes it responsible for the licensure and regulation of physical therapists. The act makes it a crime to violate any of its provisions. The act authorizes the board to suspend, revoke, or impose probationary conditions on a license, certificate, or approval issued under the act for unprofessional conduct, as specified.

This bill would specify that patients may access physical therapy treatment directly and would, in those circumstances, require a physical therapist to refer his or her patient to another specified healing arts practitioner if the physical therapist has reason to believe the patient has a condition requiring treatment or services beyond that scope of practice or if the patient is not progressing, to disclose to the patient



any financial interest he or she has in treating the patient, and, with the patient's written authorization, to notify the patient's physician and surgeon, if any, that the physical therapist is treating the patient. The bill would prohibit a physical therapist from treating a patient who initiated services directly for the lesser of more than 45 calendar days or 12 visits, except as specified, and would prohibit a physical therapist from performing services on that patient before obtaining the patient's signature on a specified notice regarding these limitations on treatment. The bill would provide that failure to comply with these provisions constitutes unprofessional conduct subject to disciplinary action by the board.

Because the bill would specify additional requirements under the Physical Therapy Practice Act, the violation of which would be a crime, it would impose a state-mandated local program.

The Moscone-Knox Professional Corporation Act provides for the organization of a corporation under certain existing law for the purposes of qualifying as a professional corporation under that act and rendering professional services. The act authorizes specified healing arts practitioners to be shareholders, officers, directors, or professional employees of a designated professional corporation, subject to certain limitations relating to ownership of shares. Existing law also defines a medical corporation or podiatry corporation that is authorized to render professional services as long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are physicians, psychologists, registered nurses, optometrists, podiatrists or, in the case of a medical corporation only, physician assistants, are in compliance with the act.

This bill would specify that those provisions do not limit employment by a professional corporation of only those specified licensed professionals. The bill would authorize any person duly licensed under the Business and Professions Code, the Chiropractic Act, or the Osteopathic Act to be employed to render professional services by a professional corporation. The bill would expressly add physical therapists and occupational therapists to the list of healing arts professionals who may be professional employees of a medical corporation or podiatry corporation, *and would add licensed physical therapists to the list of healing arts practitioners who may be shareholders, officers, or directors of a medical corporation or a podiatric medical corporation.* The bill would also provide that specified healing arts licensees may be shareholders, officers, directors, or

professional employees of a physical therapy corporation. The bill would also require a practitioner who refers a patient to a physical therapist who is employed by a professional corporation to make a specified disclosure to the patient.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares that an  
2 individual's access to early intervention to physical therapy  
3 treatment may decrease the duration of a disability, reduce pain,  
4 and lead to a quicker recovery.

5 SEC. 2. Section 2406 of the Business and Professions Code is  
6 amended to read:

7 2406. A medical corporation or podiatry corporation is a  
8 corporation that is authorized to render professional services, as  
9 defined in Section 13401 of the Corporations Code, so long as that  
10 corporation and its shareholders, officers, directors, and employees  
11 rendering professional services who are physicians and surgeons,  
12 psychologists, registered nurses, optometrists, podiatrists,  
13 chiropractors, acupuncturists, naturopathic doctors, physical  
14 therapists, occupational therapists, or, in the case of a medical  
15 corporation only, physician assistants, marriage and family  
16 therapists, clinical counselors, or clinical social workers, are in  
17 compliance with the Moscone-Knox Professional Corporation Act,  
18 the provisions of this article, and all other statutes and regulations  
19 now or hereafter enacted or adopted pertaining to the corporation  
20 and the conduct of its affairs.

21 With respect to a medical corporation or podiatry corporation,  
22 the governmental agency referred to in the Moscone-Knox  
23 Professional Corporation Act is the board.

24 SEC. 3. Section 2406.5 is added to the Business and Professions  
25 Code, to read:

1 2406.5. When a physician and surgeon, podiatrist, or other  
2 referring practitioner refers a patient to receive services by a  
3 physical therapist employed by a professional corporation as  
4 defined in Section 13401 of the Corporations Code, the referring  
5 practitioner shall comply with Article 6 (commencing with Section  
6 650) of Chapter 1, and shall provide notice of the following to the  
7 patient, orally and in writing, in at least 14-point type and signed  
8 by the patient:

9 (a) That the patient may seek physical therapy treatment services  
10 from a physical therapy provider of his or her choice who may not  
11 necessarily be employed by the medical or podiatry corporation.

12 (b) If the patient chooses to be treated by an employed physical  
13 therapist, any financial interest the referring practitioner has in the  
14 corporation.

15 SEC. 4. Section 2620.1 is added to the Business and Professions  
16 Code, to read:

17 2620.1. (a) In addition to receiving those services authorized  
18 by Section 2620, a person may initiate physical therapy treatment  
19 directly from a licensed physical therapist if the treatment is within  
20 the scope of practice of physical therapists, as defined in Section  
21 2620, and all of the following conditions are met:

22 (1) If, at any time, the physical therapist has reason to believe  
23 that the patient has signs or symptoms of a condition that requires  
24 treatment beyond the scope of practice of a physical therapist or  
25 the patient is not progressing toward documented treatment goals  
26 as demonstrated by objective, measurable, or functional  
27 improvement, the physical therapist shall refer the patient to a  
28 person holding a physician and surgeon's certificate issued by the  
29 Medical Board of California or by the Osteopathic Medical Board  
30 of California or to a person licensed to practice dentistry, podiatric  
31 medicine, or chiropractic.

32 (2) The physical therapist shall comply with Section 2633, and  
33 shall disclose to the patient any financial interest he or she has in  
34 treating the patient and, if working in a physical therapy  
35 corporation, shall comply with Article 6 (commencing with Section  
36 650) of Chapter 1.

37 (3) With the patient's written authorization, the physical  
38 therapist shall notify the patient's physician and surgeon, if any,  
39 that the physical therapist is treating the patient.

(4) The physical therapist shall not continue treating the patient beyond 45 calendar days or 12 visits, whichever occurs first, without receiving, from a person holding a physician and surgeon's certificate from the Medical Board of California or the Osteopathic Medical Board of California or from a person holding a certificate to practice podiatric medicine from the California Board of Podiatric Medicine and acting within his or her scope of practice, a dated signature on the physical therapist's plan of care indicating approval of the physical therapist's plan of care. Approval of the physical therapist's plan of care shall include an in-person patient examination and evaluation of the patient's condition and, if indicated, testing by the physician and surgeon or podiatrist.

(b) The conditions in paragraph (4) of subdivision (a) do not apply to a physical therapist when he or she is only providing wellness physical therapy services to a patient as described in subdivision (a) of Section 2620.

(c) This section does not expand or modify the scope of practice for physical therapists set forth in Section 2620, including the prohibition on a physical therapist diagnosing a disease.

(d) This section does not require a health care service plan or insurer to provide coverage for services rendered to a patient who directly accessed the services of a physical therapist.

(e) When a person initiates physical therapy treatment services directly, pursuant to this section, the physical therapist shall not perform physical therapy treatment services without first providing the following notice to the patient, orally and in writing, in at least 14-point type and signed by the patient:

Direct Physical Therapy Treatment Services

You are receiving direct physical therapy treatment services from an individual who is a physical therapist licensed by the Physical Therapy Board of California.

Under California law, you may continue to receive direct physical therapy treatment services for a period of up to 45 calendar days or 12 visits, whichever occurs first, after which time a physical therapist may continue providing you with physical therapy treatment services only after receiving, from a person holding a physician and surgeon's certificate issued by the Medical Board of California or by the Osteopathic Medical Board of California,

1 or from a person holding a certificate to practice podiatric medicine  
2 from the California Board of Podiatric Medicine and acting within  
3 his or her scope of practice, a dated signature on the physical  
4 therapist's plan of care indicating approval of the physical  
5 therapist's plan of care and that an in-person patient examination  
6 and evaluation was conducted by the physician and surgeon or  
7 podiatrist.

8  
9 Patient's Signature/Date

10 SEC. 5. Section 2660 of the Business and Professions Code is  
11 amended to read:

12 2660. The board may, after the conduct of appropriate  
13 proceedings under the Administrative Procedure Act, suspend for  
14 not more than 12 months, or revoke, or impose probationary  
15 conditions upon any license, certificate, or approval issued under  
16 this chapter for unprofessional conduct that includes, but is not  
17 limited to, one or any combination of the following causes:

18 (a) Advertising in violation of Section 17500.

19 (b) Fraud in the procurement of any license under this chapter.

20 (c) Procuring or aiding or offering to procure or aid in criminal  
21 abortion.

22 (d) Conviction of a crime that substantially relates to the  
23 qualifications, functions, or duties of a physical therapist or  
24 physical therapist assistant. The record of conviction or a certified  
25 copy thereof shall be conclusive evidence of that conviction.

26 (e) Habitual intemperance.

27 (f) Addiction to the excessive use of any habit-forming drug.

28 (g) Gross negligence in his or her practice as a physical therapist  
29 or physical therapist assistant.

30 (h) Conviction of a violation of any of the provisions of this  
31 chapter or of the Medical Practice Act, or violating, or attempting  
32 to violate, directly or indirectly, or assisting in or abetting the  
33 violating of, or conspiring to violate any provision or term of this  
34 chapter or of the Medical Practice Act.

35 (i) The aiding or abetting of any person to violate this chapter  
36 or any regulations duly adopted under this chapter.

37 (j) The aiding or abetting of any person to engage in the unlawful  
38 practice of physical therapy.

1 (k) The commission of any fraudulent, dishonest, or corrupt act  
2 that is substantially related to the qualifications, functions, or duties  
3 of a physical therapist or physical therapist assistant.

4 (l) Except for good cause, the knowing failure to protect patients  
5 by failing to follow infection control guidelines of the board,  
6 thereby risking transmission of bloodborne infectious diseases  
7 from licensee to patient, from patient to patient, and from patient  
8 to licensee. In administering this subdivision, the board shall  
9 consider referencing the standards, regulations, and guidelines of  
10 the State Department of Public Health developed pursuant to  
11 Section 1250.11 of the Health and Safety Code and the standards,  
12 regulations, and guidelines pursuant to the California Occupational  
13 Safety and Health Act of 1973 (Part 1 (commencing with Section  
14 6300) of Division 5 of the Labor Code) for preventing the  
15 transmission of HIV, hepatitis B, and other bloodborne pathogens  
16 in health care settings. As necessary, the board shall consult with  
17 the Medical Board of California, the California Board of Podiatric  
18 Medicine, the Dental Board of California, the Board of Registered  
19 Nursing, and the Board of Vocational Nursing and Psychiatric  
20 Technicians of the State of California, to encourage appropriate  
21 consistency in the implementation of this subdivision.

22 The board shall seek to ensure that licensees are informed of the  
23 responsibility of licensees and others to follow infection control  
24 guidelines, and of the most recent scientifically recognized  
25 safeguards for minimizing the risk of transmission of bloodborne  
26 infectious diseases.

27 (m) The commission of verbal abuse or sexual harassment.

28 (n) Failure to comply with the provisions of Section 2620.1.

29 SEC. 6. Section 13401.5 of the Corporations Code is amended  
30 to read:

31 13401.5. Notwithstanding subdivision (d) of Section 13401  
32 and any other provision of law, the following licensed persons  
33 may be shareholders, officers, directors, or professional employees  
34 of the professional corporations designated in this section so long  
35 as the sum of all shares owned by those licensed persons does not  
36 exceed 49 percent of the total number of shares of the professional  
37 corporation so designated herein, and so long as the number of  
38 those licensed persons owning shares in the professional  
39 corporation so designated herein does not exceed the number of  
40 persons licensed by the governmental agency regulating the

1 designated professional corporation. This section does not limit  
2 employment by a professional corporation designated in this section  
3 of only those licensed professionals listed under each subdivision.  
4 Any person duly licensed under the Business and Professions Code,  
5 the Chiropractic Act, or the Osteopathic Act may be employed to  
6 render professional services by a professional corporation  
7 designated in this section.

8 (a) Medical corporation.

9 (1) Licensed doctors of podiatric medicine.

10 (2) Licensed psychologists.

11 (3) Registered nurses.

12 (4) Licensed optometrists.

13 (5) Licensed marriage and family therapists.

14 (6) Licensed clinical social workers.

15 (7) Licensed physician assistants.

16 (8) Licensed chiropractors.

17 (9) Licensed acupuncturists.

18 (10) Naturopathic doctors.

19 (11) Licensed professional clinical counselors.

20 (12) *Licensed physical therapists.*

21 (b) Podiatric medical corporation.

22 (1) Licensed physicians and surgeons.

23 (2) Licensed psychologists.

24 (3) Registered nurses.

25 (4) Licensed optometrists.

26 (5) Licensed chiropractors.

27 (6) Licensed acupuncturists.

28 (7) Naturopathic doctors.

29 (8) *Licensed physical therapists.*

30 (c) Psychological corporation.

31 (1) Licensed physicians and surgeons.

32 (2) Licensed doctors of podiatric medicine.

33 (3) Registered nurses.

34 (4) Licensed optometrists.

35 (5) Licensed marriage and family therapists.

36 (6) Licensed clinical social workers.

37 (7) Licensed chiropractors.

38 (8) Licensed acupuncturists.

39 (9) Naturopathic doctors.

40 (10) Licensed professional clinical counselors.

- 1 (d) Speech-language pathology corporation.
- 2 (1) Licensed audiologists.
- 3 (e) Audiology corporation.
- 4 (1) Licensed speech-language pathologists.
- 5 (f) Nursing corporation.
- 6 (1) Licensed physicians and surgeons.
- 7 (2) Licensed doctors of podiatric medicine.
- 8 (3) Licensed psychologists.
- 9 (4) Licensed optometrists.
- 10 (5) Licensed marriage and family therapists.
- 11 (6) Licensed clinical social workers.
- 12 (7) Licensed physician assistants.
- 13 (8) Licensed chiropractors.
- 14 (9) Licensed acupuncturists.
- 15 (10) Naturopathic doctors.
- 16 (11) Licensed professional clinical counselors.
- 17 (g) Marriage and family therapist corporation.
- 18 (1) Licensed physicians and surgeons.
- 19 (2) Licensed psychologists.
- 20 (3) Licensed clinical social workers.
- 21 (4) Registered nurses.
- 22 (5) Licensed chiropractors.
- 23 (6) Licensed acupuncturists.
- 24 (7) Naturopathic doctors.
- 25 (8) Licensed professional clinical counselors.
- 26 (h) Licensed clinical social worker corporation.
- 27 (1) Licensed physicians and surgeons.
- 28 (2) Licensed psychologists.
- 29 (3) Licensed marriage and family therapists.
- 30 (4) Registered nurses.
- 31 (5) Licensed chiropractors.
- 32 (6) Licensed acupuncturists.
- 33 (7) Naturopathic doctors.
- 34 (8) Licensed professional clinical counselors.
- 35 (i) Physician assistants corporation.
- 36 (1) Licensed physicians and surgeons.
- 37 (2) Registered nurses.
- 38 (3) Licensed acupuncturists.
- 39 (4) Naturopathic doctors.
- 40 (j) Optometric corporation.



- 1 (1) Licensed physicians and surgeons.
- 2 (2) Licensed doctors of podiatric medicine.
- 3 (3) Licensed psychologists.
- 4 (4) Registered nurses.
- 5 (5) Licensed chiropractors.
- 6 (6) Licensed acupuncturists.
- 7 (7) Naturopathic doctors.
- 8 (k) Chiropractic corporation.
- 9 (1) Licensed physicians and surgeons.
- 10 (2) Licensed doctors of podiatric medicine.
- 11 (3) Licensed psychologists.
- 12 (4) Registered nurses.
- 13 (5) Licensed optometrists.
- 14 (6) Licensed marriage and family therapists.
- 15 (7) Licensed clinical social workers.
- 16 (8) Licensed acupuncturists.
- 17 (9) Naturopathic doctors.
- 18 (10) Licensed professional clinical counselors.
- 19 (l) Acupuncture corporation.
- 20 (1) Licensed physicians and surgeons.
- 21 (2) Licensed doctors of podiatric medicine.
- 22 (3) Licensed psychologists.
- 23 (4) Registered nurses.
- 24 (5) Licensed optometrists.
- 25 (6) Licensed marriage and family therapists.
- 26 (7) Licensed clinical social workers.
- 27 (8) Licensed physician assistants.
- 28 (9) Licensed chiropractors.
- 29 (10) Naturopathic doctors.
- 30 (11) Licensed professional clinical counselors.
- 31 (m) Naturopathic doctor corporation.
- 32 (1) Licensed physicians and surgeons.
- 33 (2) Licensed psychologists.
- 34 (3) Registered nurses.
- 35 (4) Licensed physician assistants.
- 36 (5) Licensed chiropractors.
- 37 (6) Licensed acupuncturists.
- 38 (7) Licensed physical therapists.
- 39 (8) Licensed doctors of podiatric medicine.
- 40 (9) Licensed marriage and family therapists.

- 1 (10) Licensed clinical social workers.
- 2 (11) Licensed optometrists.
- 3 (12) Licensed professional clinical counselors.
- 4 (n) Dental corporation.
- 5 (1) Licensed physicians and surgeons.
- 6 (2) Dental assistants.
- 7 (3) Registered dental assistants.
- 8 (4) Registered dental assistants in extended functions.
- 9 (5) Registered dental hygienists.
- 10 (6) Registered dental hygienists in extended functions.
- 11 (7) Registered dental hygienists in alternative practice.
- 12 (o) Professional clinical counselor corporation.
- 13 (1) Licensed physicians and surgeons.
- 14 (2) Licensed psychologists.
- 15 (3) Licensed clinical social workers.
- 16 (4) Licensed marriage and family therapists.
- 17 (5) Registered nurses.
- 18 (6) Licensed chiropractors.
- 19 (7) Licensed acupuncturists.
- 20 (8) Naturopathic doctors.
- 21 (p) Physical therapy corporation.
- 22 (1) Licensed physicians and surgeons.
- 23 (2) Licensed doctors of podiatric medicine.
- 24 (3) Licensed acupuncturists.
- 25 (4) Naturopathic doctors.
- 26 (5) Licensed occupational therapists.
- 27 (6) Licensed speech-language therapists.
- 28 (7) Licensed audiologists.
- 29 (8) Registered nurses.
- 30 (9) Licensed psychologists.
- 31 (10) Licensed physician assistants.

32 SEC. 7. No reimbursement is required by this act pursuant to  
33 Section 6 of Article XIII B of the California Constitution because  
34 the only costs that may be incurred by a local agency or school  
35 district will be incurred because this act creates a new crime or  
36 infraction, eliminates a crime or infraction, or changes the penalty  
37 for a crime or infraction, within the meaning of Section 17556 of  
38 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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## Board of Chiropractic Examiners Bill Analysis

**Bill Number:** AB 1057  
**Author:** Assembly Member Jose Medina  
**Bill Date:** Amended June 3, 2013  
**Subject:** Professions and vocations: licenses: military service  
**Sponsor:** Author sponsored

**STATUS OF BILL:** Passed out of Assembly on 04/29/13 (77-0), amended on 06/03/13 and rereferred to Sen. B., P. & E.D. Committee. Hearing set for June 10, 2013.

### **SUMMARY:**

This bill would require all licensing boards under DCA to inquire in all licensing applications whether the applicant is serving in, or has previously served in, the military.

### **EXISTING LAW:**

- Business and Professions Code (BPC) section 114 authorizes a licensee, whose license expired while serving on active military duty, to reinstate his or her license without examination or penalty.
- BPC section 114.3 requires licensing boards under DCA to waive the license renewal fees, continuing education requirements, and other license renewal requirements for licensure for licensees called to active duty who will not be performing licensed activities while on active duty.

### **THIS BILL WOULD:**

- Beginning January 1, 2015, require all licensing boards under DCA to inquire in all licensing applications whether the applicant is serving in, or has previously served in, the military.

### **BACKGROUND:**

According to the author, thousands of military veterans return to California from service in the United States Armed Forces each year. These veterans possess valuable professional and occupational skills that are highly sought by California employers and consumers; however, finding civilian employment can be difficult.

DCA currently oversees 36 licensing programs that issue more than two million licenses, registrations, and certifications in nearly 200 professional categories. Most of DCA's licensing programs already have a process for accepting military service credit

towards licensure; however, many boards do not have a process in place to identify current or former military personnel.

The author purports that this bill will provide DCA with the ability to identify present and former military personnel in the application for licensure process.

#### **FISCAL IMPACT:**

This bill would require the BCE to amend the application for licensure as a Doctor of Chiropractic. The application for licensure is incorporated by reference in our regulations; therefore, this provision would require the BCE to promulgate a rulemaking package, resulting in a minor, absorbable impact to the BCE.

#### **SUPPORT & OPPOSITION:**

Support:

- Board of Behavioral Sciences

Opposition:

- None

#### **ARGUMENTS:**

Pro:

- This bill would provide licensing boards with a mechanism to easily identify current and former military personnel during the licensure process in order to expedite the licensure process and provide them with the licensing privileges afforded to them by law.

Con:

- This bill would create a minor workload upon the BCE in promulgating regulations to amend the application for licensure as a doctor of chiropractic.

#### **STAFF RECOMMENDED POSITION:**

**NEUTRAL:** This bill does not create a substantial workload for the BCE and will assist the licensing unit in processing licensing applications of veterans expeditiously.

AMENDED IN SENATE JUNE 3, 2013

AMENDED IN ASSEMBLY APRIL 9, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1057**

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**Introduced by Assembly Member Medina**

February 22, 2013

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An act to add Section 114.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1057, as amended, Medina. Professions and vocations: licenses: military service.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a licensee or registrant whose license expired while the licensee or registrant was on active duty as a member of the California National Guard or the United States Armed Forces to, upon application, reinstate his or her license without penalty and without examination, if certain requirements are satisfied, unless the licensing agency determines that the applicant has not actively engaged in the practice of his or her profession while on active duty, as specified.

This bill would require each board, commencing January 1, 2015, to inquire in every application for licensure if the ~~applicant~~ *individual applying for licensure* is serving in, or has previously served in, the military.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 114.5 is added to the Business and
- 2 Professions Code, to read:
- 3 114.5. Commencing January 1, 2015, each board shall inquire
- 4 in every application for licensure if the ~~applicant~~ *individual*
- 5 *applying for licensure* is serving in, or has previously served in,
- 6 the military.

## Board of Chiropractic Examiners Bill Analysis

**Bill Number:** SB 46  
**Author:** Senator: Ellen Corbett  
**Bill Date:** Amended April 15, 2013  
**Subject:** Personal Information: privacy  
**Sponsor:** Author

**STATUS OF BILL:** Passed Senate floor on 05/16/13 (37-0); referred to Assembly Judiciary Committee. Hearing set for 06/18/13.

### **SUMMARY:**

This bill would strengthen computer account data security for the public by expanding the scope of personal information applicable to security breach disclosure requirements for all California entities and businesses who maintain personal information on clients or customers.

### **EXISTING LAW:**

- Requires the state and any person or company that conducts business in California and maintains computerized data about a client or customer, to notify the client or customer when they reasonably believe an unauthorized person has acquired their information which includes social security numbers, driver's license numbers, medical information, health insurance information, and specific financial account information such as credit card numbers and security codes.
- Defines personal information to include the individual's first name or first initial and last name in combination with one or more of the following data elements, when either the name or the data elements are not encrypted: social security number; driver's license number or California Identification Card number; account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account; medical information; or health insurance information

### **THIS BILL WOULD:**

- Revise data elements included in the definition of personal information that would permit access to an online account to include a user name or email address, in combination with a password or security question and answer that would permit access to an online account.



- Provides real-time notification of breaches to a client's password, username, or answers to security questions so that clients can change their access information to protect their account expeditiously.

### **BACKGROUND:**

According to the author, most people use a smartphone, tablet, laptop or desk computer to conduct personal business and shopping which can be risky, even with high-security software. Notification of a breach of security is generally received well after the breach occurred, which is too late for the customer to prevent or minimize theft or damages. This bill will ensure swifter notification of security breaches to a client's or customer's online data.

### **FISCAL IMPACT:**

This bill would not have an immediate fiscal impact upon the BCE as the BCE does not currently have on-line access to a licensee's account (i.e. license renewal, etc.). However, once the BCE has transitioned to BreEZe, this feature may be offered to our licensees. If online license renewal is offered to the BCE, the fiscal impact would be minimal as DCA would be responsible for monitoring and notifying affected licensees of security breaches.

### **SUPPORT & OPPOSITION:**

Support:

- Privacy Rights Clearinghouse
- California Attorney General
- 

Opposition: None on record

### **ARGUMENTS:**

Pro:

- This bill will strengthen security measures by expanding the scope of "personal information" to notify clients of a breach to their personal on-line information.
- The expansion of personal information will require clients to be notified immediately of a breach to their personal information, allowing clients to change access codes to protect their personal information.

Con: Unknown

### **STAFF RECOMMENDED POSITION:**

**NEUTRAL** – The BCE will not immediately be affected by the provisions of this bill and if online licensing is implemented in the future, DCA will be responsible for ensuring compliance.

AMENDED IN SENATE APRIL 15, 2013

SENATE BILL

No. 46

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Introduced by Senator Corbett

December 14, 2012

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An act to amend Sections 1798.29 and 1798.82 of the Civil Code, relating to personal information.

LEGISLATIVE COUNSEL'S DIGEST

SB 46, as amended, Corbett. Personal information: privacy.

Existing law requires any agency, and any person or business conducting business in California, that owns or licenses computerized data that includes personal information, as defined, to disclose in specified ways, any breach of the security of the system or data, as defined, following discovery or notification of the security breach, to any California resident whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Existing law defines "personal information" for these purposes, to include an individual's first name and last name, or first initial and last name, in combination with one or more designated data elements relating to, among other things, social security numbers, driver's license numbers, financial accounts, and medical information.

This bill would revise certain data elements included within the definition of personal information, by adding certain information relating to an account other than a financial that would permit access to an online account.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1798.29 of the Civil Code is amended  
2 to read:

3 1798.29. (a) Any agency that owns or licenses computerized  
4 data that includes personal information shall disclose any breach  
5 of the security of the system following discovery or notification  
6 of the breach in the security of the data to any resident of California  
7 whose unencrypted personal information was, or is reasonably  
8 believed to have been, acquired by an unauthorized person. The  
9 disclosure shall be made in the most expedient time possible and  
10 without unreasonable delay, consistent with the legitimate needs  
11 of law enforcement, as provided in subdivision (c), or any measures  
12 necessary to determine the scope of the breach and restore the  
13 reasonable integrity of the data system.

14 (b) Any agency that maintains computerized data that includes  
15 personal information that the agency does not own shall notify the  
16 owner or licensee of the information of any breach of the security  
17 of the data immediately following discovery, if the personal  
18 information was, or is reasonably believed to have been, acquired  
19 by an unauthorized person.

20 (c) The notification required by this section may be delayed if  
21 a law enforcement agency determines that the notification will  
22 impede a criminal investigation. The notification required by this  
23 section shall be made after the law enforcement agency determines  
24 that it will not compromise the investigation.

25 (d) Any agency that is required to issue a security breach  
26 notification pursuant to this section shall meet all of the following  
27 requirements:

28 (1) The security breach notification shall be written in plain  
29 language.

30 (2) The security breach notification shall include, at a minimum,  
31 the following information:

32 (A) The name and contact information of the reporting agency  
33 subject to this section.

34 (B) A list of the types of personal information that were or are  
35 reasonably believed to have been the subject of a breach.

36 (C) If the information is possible to determine at the time the  
37 notice is provided, then any of the following: (i) the date of the  
38 breach, (ii) the estimated date of the breach, or (iii) the date range

1 within which the breach occurred. The notification shall also  
2 include the date of the notice.

3 (D) Whether the notification was delayed as a result of a law  
4 enforcement investigation, if that information is possible to  
5 determine at the time the notice is provided.

6 (E) A general description of the breach incident, if that  
7 information is possible to determine at the time the notice is  
8 provided.

9 (F) The toll-free telephone numbers and addresses of the major  
10 credit reporting agencies, if the breach exposed a social security  
11 number or a driver's license or California identification card  
12 number.

13 (3) At the discretion of the agency, the security breach  
14 notification may also include any of the following:

15 (A) Information about what the agency has done to protect  
16 individuals whose information has been breached.

17 (B) Advice on steps that the person whose information has been  
18 breached may take to protect himself or herself.

19 (e) Any agency that is required to issue a security breach  
20 notification pursuant to this section to more than 500 California  
21 residents as a result of a single breach of the security system shall  
22 electronically submit a single sample copy of that security breach  
23 notification, excluding any personally identifiable information, to  
24 the Attorney General. A single sample copy of a security breach  
25 notification shall not be deemed to be within subdivision (f) of  
26 Section 6254 of the Government Code.

27 (f) For purposes of this section, "breach of the security of the  
28 system" means unauthorized acquisition of computerized data that  
29 compromises the security, confidentiality, or integrity of personal  
30 information maintained by the agency. Good faith acquisition of  
31 personal information by an employee or agent of the agency for  
32 the purposes of the agency is not a breach of the security of the  
33 system, provided that the personal information is not used or  
34 subject to further unauthorized disclosure.

35 (g) For purposes of this section, "personal information" means  
36 ~~an~~ either of the following:

37 (1) An individual's first name or first initial and last name in  
38 combination with any one or more of the following data elements,  
39 when either the name or the data elements are not encrypted:

40 (1)

1 (A) Social security number.

2 ~~(2)~~

3 (B) Driver's license number or California Identification Card  
4 number.

5 ~~(3)~~

6 (C) Account number, credit or debit card number, in  
7 combination with any required security code, access code, or  
8 password that would permit access to an individual's financial  
9 account.

10 ~~(4)~~

11 (D) Medical information.

12 ~~(5)~~

13 (E) Health insurance information.

14 ~~(6) Password, user name,~~

15 (2) *A user name or email address, in combination with a*  
16 *password or security question and answer for an account other*  
17 *than a financial that would permit access to an online account.*

18 (h) (1) For purposes of this section, "personal information"  
19 does not include publicly available information that is lawfully  
20 made available to the general public from federal, state, or local  
21 government records.

22 (2) For purposes of this section, "medical information" means  
23 any information regarding an individual's medical history, mental  
24 or physical condition, or medical treatment or diagnosis by a health  
25 care professional.

26 (3) For purposes of this section, "health insurance information"  
27 means an individual's health insurance policy number or subscriber  
28 identification number, any unique identifier used by a health insurer  
29 to identify the individual, or any information in an individual's  
30 application and claims history, including any appeals records.

31 (i) For purposes of this section, "notice" may be provided by  
32 one of the following methods:

33 (1) Written notice.

34 (2) Electronic notice, if the notice provided is consistent with  
35 the provisions regarding electronic records and signatures set forth  
36 in Section 7001 of Title 15 of the United States Code.

37 (3) Substitute notice, if the agency demonstrates that the cost  
38 of providing notice would exceed two hundred fifty thousand  
39 dollars (\$250,000), or that the affected class of subject persons to  
40 be notified exceeds 500,000, or the agency does not have sufficient

1 contact information. Substitute notice shall consist of all of the  
2 following:

3 (A) ~~E-mail~~ *Email* notice when the agency has an ~~e-mail~~ *email*  
4 address for the subject persons.

5 (B) Conspicuous posting of the notice on the agency's Internet  
6 Web site page, if the agency maintains one.

7 (C) Notification to major statewide media and the Office of  
8 Information Security within the California Technology Agency.

9 (j) Notwithstanding subdivision (i), an agency that maintains  
10 its own notification procedures as part of an information security  
11 policy for the treatment of personal information and is otherwise  
12 consistent with the timing requirements of this part shall be deemed  
13 to be in compliance with the notification requirements of this  
14 section if it notifies subject persons in accordance with its policies  
15 in the event of a breach of security of the system.

16 SEC. 2. Section 1798.82 of the Civil Code is amended to read:

17 1798.82. (a) Any person or business that conducts business  
18 in California, and that owns or licenses computerized data that  
19 includes personal information, shall disclose any breach of the  
20 security of the system following discovery or notification of the  
21 breach in the security of the data to any resident of California  
22 whose unencrypted personal information was, or is reasonably  
23 believed to have been, acquired by an unauthorized person. The  
24 disclosure shall be made in the most expedient time possible and  
25 without unreasonable delay, consistent with the legitimate needs  
26 of law enforcement, as provided in subdivision (c), or any measures  
27 necessary to determine the scope of the breach and restore the  
28 reasonable integrity of the data system.

29 (b) Any person or business that maintains computerized data  
30 that includes personal information that the person or business does  
31 not own shall notify the owner or licensee of the information of  
32 any breach of the security of the data immediately following  
33 discovery, if the personal information was, or is reasonably  
34 believed to have been, acquired by an unauthorized person.

35 (c) The notification required by this section may be delayed if  
36 a law enforcement agency determines that the notification will  
37 impede a criminal investigation. The notification required by this  
38 section shall be made after the law enforcement agency determines  
39 that it will not compromise the investigation.

1 (d) Any person or business that is required to issue a security  
2 breach notification pursuant to this section shall meet all of the  
3 following requirements:

4 (1) The security breach notification shall be written in plain  
5 language.

6 (2) The security breach notification shall include, at a minimum,  
7 the following information:

8 (A) The name and contact information of the reporting person  
9 or business subject to this section.

10 (B) A list of the types of personal information that were or are  
11 reasonably believed to have been the subject of a breach.

12 (C) If the information is possible to determine at the time the  
13 notice is provided, then any of the following: (i) the date of the  
14 breach, (ii) the estimated date of the breach, or (iii) the date range  
15 within which the breach occurred. The notification shall also  
16 include the date of the notice.

17 (D) Whether notification was delayed as a result of a law  
18 enforcement investigation, if that information is possible to  
19 determine at the time the notice is provided.

20 (E) A general description of the breach incident, if that  
21 information is possible to determine at the time the notice is  
22 provided.

23 (F) The toll-free telephone numbers and addresses of the major  
24 credit reporting agencies if the breach exposed a social security  
25 number or a driver's license or California identification card  
26 number.

27 (3) At the discretion of the person or business, the security  
28 breach notification may also include any of the following:

29 (A) Information about what the person or business has done to  
30 protect individuals whose information has been breached.

31 (B) Advice on steps that the person whose information has been  
32 breached may take to protect himself or herself.

33 (e) A covered entity under the federal Health Insurance  
34 Portability and Accountability Act of 1996 (42 U.S.C. Sec. 1320d  
35 et seq.) will be deemed to have complied with the notice  
36 requirements in subdivision (d) if it has complied completely with  
37 Section 13402(f) of the federal Health Information Technology  
38 for Economic and Clinical Health Act (Public Law 111-5).  
39 However, nothing in this subdivision shall be construed to exempt  
40 a covered entity from any other provision of this section.

(f) Any person or business that is required to issue a security breach notification pursuant to this section to more than 500 California residents as a result of a single breach of the security system shall electronically submit a single sample copy of that security breach notification, excluding any personally identifiable information, to the Attorney General. A single sample copy of a security breach notification shall not be deemed to be within subdivision (f) of Section 6254 of the Government Code.

(g) For purposes of this section, "breach of the security of the system" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the person or business. Good faith acquisition of personal information by an employee or agent of the person or business for the purposes of the person or business is not a breach of the security of the system, provided that the personal information is not used or subject to further unauthorized disclosure.

(h) For purposes of this section, "personal information" means ~~an~~ *either of the following*:

(1) *An individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted:*

~~(1)~~

(A) Social security number.

~~(2)~~

(B) Driver's license number or California Identification Card number.

~~(3)~~

(C) Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

~~(4)~~

(D) Medical information.

~~(5)~~

(E) Health insurance information.

~~(6) Password, user name~~

(2) *A user name or email address, in combination with a password or security question and answer for an account other than a financial that would permit access to an online account.*



1 (i) (1) For purposes of this section, "personal information" does  
2 not include publicly available information that is lawfully made  
3 available to the general public from federal, state, or local  
4 government records.

5 (2) For purposes of this section, "medical information" means  
6 any information regarding an individual's medical history, mental  
7 or physical condition, or medical treatment or diagnosis by a health  
8 care professional.

9 (3) For purposes of this section, "health insurance information"  
10 means an individual's health insurance policy number or subscriber  
11 identification number, any unique identifier used by a health insurer  
12 to identify the individual, or any information in an individual's  
13 application and claims history, including any appeals records.

14 (j) For purposes of this section, "notice" may be provided by  
15 one of the following methods:

16 (1) Written notice.

17 (2) Electronic notice, if the notice provided is consistent with  
18 the provisions regarding electronic records and signatures set forth  
19 in Section 7001 of Title 15 of the United States Code.

20 (3) Substitute notice, if the person or business demonstrates that  
21 the cost of providing notice would exceed two hundred fifty  
22 thousand dollars (\$250,000), or that the affected class of subject  
23 persons to be notified exceeds 500,000, or the person or business  
24 does not have sufficient contact information. Substitute notice  
25 shall consist of all of the following:

26 (A) ~~E-mail~~ *Email* notice when the person or business has an  
27 ~~e-mail~~ *email* address for the subject persons.

28 (B) Conspicuous posting of the notice on the Internet Web site  
29 page of the person or business, if the person or business maintains  
30 one.

31 (C) Notification to major statewide media and the Office of  
32 Privacy Protection within the State and Consumer Services Agency.

33 (k) Notwithstanding subdivision (j), a person or business that  
34 maintains its own notification procedures as part of an information  
35 security policy for the treatment of personal information and is  
36 otherwise consistent with the timing requirements of this part, shall  
37 be deemed to be in compliance with the notification requirements  
38 of this section if the person or business notifies subject persons in

- 1 accordance with its policies in the event of a breach of security of
- 2 the system.

O

## Board of Chiropractic Examiners Bill Analysis

**Bill Number:** SB 176  
**Author:** Senator Cathleen Galgiani  
**Bill Version:** Amended April 24, 2013  
**Subject:** Administrative Procedures  
**Sponsor:** California Association of Realtors

**STATUS OF BILL:** Amended 04/24/13 by Sen. Appropriations Committee. Passed Senate floor on 05/29/13. Ordered to Assembly, held at desk.

### **SUMMARY:**

This bill would require state agencies, boards and commissions to involve all parties that are subject to proposed regulations in public discussion regarding the proposed regulation prior to publication of the notice in the California Regulatory Notice Register..

### **EXISTING LAW:**

- The Administrative Procedure Act governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of regulatory actions by the Office of Administrative Law (OAL).
- The Chiropractic Initiative Act provides the Board with the power to adopt rules and regulations necessary for the performance of its work, the enforcement and administration of this act, the establishment of educational requirements for license renewal, and the protection of the public.
- The Bagley-Keene Open Meeting Act governs the procedures for public meetings held by state agencies.

### **THIS BILL WOULD:**

- Require state agencies, boards, and commissions to involve all persons subject to a proposed regulation in a public discussion of the regulation prior to submission of the notice to OAL for public comment.
- Require an agency who cannot comply with this provision to state the reasons for noncompliance with reasonable specificity in the rulemaking record.

### **BACKGROUND:**

State agencies engaging in the rulemaking process are currently required to provide notice to interested parties at least 45 days before the close of the public comment period in the California Regulatory Notice Register; however, the author purports that the public is not given an opportunity to discuss the proposed regulation and share

expertise on the subject prior to the formal 45-day public comment period. According to the author, this bill will continue the state's policy of improving public access to the policy development process in the legislative and regulatory process, create transparency and promote public participation in the regulatory process.

### **FISCAL IMPACT:**

The fiscal impact to the BCE is significant. This provision could require the BCE to notify all licensees and possibly consumers about meetings regarding proposed regulations. In 2012, the BCE attempted to adopt regulations to require licensees to provide the BCE with e-mail addresses; however, this proposal was withdrawn due to advisement of the BCE's legal counsel. Without e-mail as a viable option, the BCE would potentially be required to notify all 13,500 licensees of meetings regarding regulations via USPS mail, for a total cost for one meeting ranging between \$6500 and \$13,800 for mailing, printing and labor. The BCE holds frequent committee meetings and quarterly board meetings where potential regulations may be discussed. A conservative estimate of 8 meetings per year would cost the BCE between \$52,000 and \$110,400 in mailing costs, printing, and labor to comply with these provisions.

### **SUPPORT & OPPOSITION:**

#### Support:

- California Association of Realtors
- American Council of Engineering Companies
- Apartment Association of Greater Los Angeles
- California Apartment Association
- California Building Industry Association
- California Business Properties Association
- California Cement Manufacturers Environmental Coalition
- California Chamber of Commerce
- California Independent Oil Marketers Association
- California Land and Title Association
- California Manufactures & Technology Association
- California New Car Dealers Association
- California Restaurant Association
- California Retailers Association
- California Service Station & Auto Repair Association
- National Federation of Independent Business
- San Diego County Apartment Association
- Santa Barbara Rental Property Association
- USANA Health Sciences, Inc.
- Western States Petroleum Association
- 
- Orange County Association of Realtors

Opposition: Sierra Club California

**ARGUMENTS:**

Pro:

- This bill will ensure that the public is made of aware of all opportunities for public participation regarding regulations.
- This bill could potentially increase public participation in rulemaking by providing written notification of meetings where proposed regulations will be discussed.

Con:

- All public meetings have the potential of discussing the promulgation of or amendments to regulations by way of public comment if not specifically itemized on the agenda; therefore, this bill could potentially apply to all public meetings held by the board.
- This bill would create a significant fiscal impact upon state agencies for mailing notification to all affected parties.

**STAFF RECOMMENDED POSITION:**

**OPPOSE** – This bill would create a significant fiscal impact upon the BCE in costs for labor, mailing and printing as well as workload.

\*According to the author's office, they do not want to expand the APA or create administrative burdens for state agencies. The intent is to establish a central repository for the public on issues of interest. The author's office is trying to resolve issues with this bill.

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE APRIL 24, 2013

**SENATE BILL**

**No. 176**

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**Introduced by Senator Galgiani  
(Coauthors: Senators Cannella and Correa)**

February 6, 2013

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An act to ~~add Sections 11346.46 and 11346.47 to amend Section 11346.45~~ of the Government Code, relating to administrative procedures.

LEGISLATIVE COUNSEL'S DIGEST

SB 176, as amended, Galgiani. Administrative procedures.

Existing law governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law, including procedures relating to increased public participation in the adoption, amendment, and repeal of these regulations. *Existing law specifically requires a state agency proposing to adopt regulations, prior to publication of a notice of proposed adoption, amendment, or repeal of a regulation, to involve parties who would be subject to the proposed regulations in public discussions regarding those proposed regulations, when the proposed regulations involve complex proposals or a large number of proposals that cannot easily be reviewed during the comment period.*

~~This bill would, in order to increase public participation and improve the quality of regulations, require state agencies, boards, and commissions to submit a notice prior to any meeting date or report, provided the meeting or report is seeking public input, as described. The bill would additionally require state agencies, boards, and~~

commissions to submit specified notices to the Office of Administrative Law, for publication in the California Regulatory Notice Register.

*This bill would expand that public discussion requirement to require a state agency proposing to adopt regulations, prior to publication of a notice of proposed adoption, amendment, or repeal of a regulation, to involve parties that would be subject to the proposed regulations in public discussions regarding those proposed regulations, without regard to the complexity or number of proposals.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 11346.45 of the Government Code is  
2     amended to read:

3     11346.45. (a) In order to increase public participation and  
4     improve the quality of regulations, ~~state agencies~~ a state agency  
5     proposing to adopt ~~regulations shall~~, regulations, prior to  
6     publication of the notice required by Section 11346.5, ~~shall~~ involve  
7     parties ~~who~~ that would be subject to the proposed regulations in  
8     public discussions regarding those proposed regulations, ~~when the~~  
9     proposed regulations involve complex proposals or a large number  
10    of proposals that cannot easily be reviewed during the comment  
11    period regulations.

12    (b) This section does not apply to a state agency in any instance  
13    where that state agency is required to implement federal law and  
14    regulations for which there is little or no discretion on the part of  
15    the state to vary.

16    (c) If the agency does not or cannot comply with the provisions  
17    of subdivision (a), it shall state the reasons for noncompliance with  
18    reasonable specificity in the rulemaking record.

19    (d) The provisions of this section shall not be subject to judicial  
20    review or to the provisions of Section 11349.1.

21    SECTION 1. ~~Section 11346.46 is added to the Government~~  
22    Code, to read:

23    11346.46. (a) ~~In order to increase public participation in the~~  
24    regulation development process and improve the quality of  
25    regulations, state agencies, boards, and commissions shall submit  
26    a notice in the California Regulatory Notice Register. The notice  
27    shall appear in the California Regulatory Notice Register at least

1 15 days prior to any meeting date or report, provided the meeting  
2 or report is seeking public input.

3 (b) For purposes of this section, meetings and reports seeking  
4 public input include, but are not limited to, the following formal,  
5 official, or organized:

6 (1) Informational hearings.

7 (2) Workshops.

8 (3) Scoping hearings.

9 (4) Preliminary meetings.

10 (5) Public and stakeholder outreach meetings.

11 SEC. 2. Section 11346.47 is added to the Government Code,  
12 to read:

13 11346.47. State agencies, boards, and commissions shall submit  
14 a notice to the Office of Administrative Law for publication in the  
15 California Regulatory Notice Register, upon issuance or publication  
16 of the following:

17 (a) Any notice required by either subdivision (c) of Section  
18 11346.8, commonly known as 15-day comment period notice, or  
19 subdivision (b) of Section 11347.1.

20 (b) Any Internet Web site link to informational reports prepared  
21 for public review that have been posted on the agency, board, or  
22 commission Internet Web site in connection with proposed  
23 regulations.





State of California  
Edmund G. Brown Jr., Governor

May 17, 2013

The Honorable Cathleen Galgiani  
California State Senate  
State Capitol, Room 4082  
Sacramento, California 95814-4900

**RE: SB 176 - OPPOSE**

Dear Senator Galgiani:

The Board of Chiropractic Examiners (BCE) respectfully wishes to inform you that at a Board Meeting on May 9, 2013, the BCE unanimously voted to take a position of oppose on your bill, SB 176, which would require state agencies, boards and commissions to submit a notice for appearance in the California Regulatory Notice Register at least 15 days prior to any meeting date or report when seeking public input for development of regulations.

The BCE believes the provisions of this bill are unclear. Discussions regarding the promulgation of or amendments to regulations may occur at any public meeting by way of public comment, if not included on the agenda; therefore, these provisions could potentially apply to all public meetings held by state agencies. Not only does this bill add another step to each agency's public meeting notice, but it will also create a significant workload impact upon the Office of Administrative Law (OAL).

Furthermore, the provisions of this bill conflict with the Bagley-Keene Open Meeting Act, section 11125, which requires a state agency to give at least 10 calendar days' written notice of each public meeting to be held. This bill would place an unnecessary burden upon state agencies to secure a location to hold the public meeting and finalize the agenda long before the meeting is held. Currently, information to be published in the California Regulatory Notice Register must be submitted to the OAL at least one and a half weeks prior to the publication date. This bill would require the Notice to be published 15 days prior to the public meeting, resulting in a submission deadline to OAL of nearly one month prior to the public meeting, which is a significant departure from the Bagley-Keene Open Meeting Act and current Administrative Procedures Act (APA) requirements.

The BCE also questions the necessity of this bill given the current APA requirements for

T (916) 263-5355	Board of Chiropractic Examiners
F (916) 263-5369	2525 Natomas Park Drive, Suite 260
TT/TDD (800) 735-2929	Sacramento, California 95833-2931
Consumer Complaint Hotline	<a href="http://www.chiro.ca.gov">www.chiro.ca.gov</a>
(866) 543-1311	

notification of proposed regulations and subsequent revisions or reports. State agencies are currently required to notify interested parties of all rulemaking actions and public meetings by mail, in addition to posting this information on their website, making this information accessible to the public without imposing additional costs and staff resources upon state agencies.

Please contact me at (916) 263-5359 if you have any questions regarding the BCE's position on this bill. Thank you for your consideration.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'R. Puleo', with a long, sweeping horizontal stroke extending to the right.

ROBERT PULEO  
Executive Officer

cc: by email to Ross Warren, Legislative Aide



State of California  
Edmund G. Brown Jr., Governor

May 17, 2013

The Honorable Kevin de Leon, Chair  
Senate Appropriations Committee  
State Capitol, Room 5108  
Sacramento, California 95814-4900

**RE: SB 176 - OPPOSE**

Dear Senator de Leon:

The Board of Chiropractic Examiners (BCE), at its May 9, 2013 Board Meeting unanimously voted to take a position of oppose on SB 176 (Galgiani), which would require state agencies, boards and commissions to submit a notice for appearance in the California Regulatory Notice Register at least 15 days prior to any meeting date or report when seeking public input for development of regulations.

The BCE believes the provisions of this bill are unclear. Discussions regarding the promulgation of or amendments to regulations may occur at any public meeting by way of public comment, if not included on the agenda; therefore, these provisions could potentially apply to all public meetings held by state agencies. Not only does this bill add another step to each agency's public meeting notice requirements, but it will also create a significant workload impact upon the Office of Administrative Law (OAL).

Furthermore, the provisions of this bill conflict with the Bagley-Keene Open Meeting Act, section 11125, which requires a state agency to give at least 10 calendar days' written notice of each public meeting to be held. This bill would place an unnecessary burden upon state agencies to secure a location to hold the public meeting and finalize the agenda long before the meeting is held. Currently, information to be published in the California Regulatory Notice Register must be submitted to the OAL at least one and a half weeks prior to the publication date. This bill would require the Notice to be published 15 days prior to the public meeting, resulting in a submission deadline to OAL of nearly one month prior to the public meeting, which is a significant departure from the Bagley-Keene Open Meeting Act and current Administrative Procedures Act (APA) requirements.

The BCE also questions the necessity of this bill given the current APA requirements for notification of proposed regulations and subsequent revisions or reports. State

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(866) 543-1311	

agencies are currently required to notify interested parties of all rulemaking actions and public meetings by mail, in addition to posting this information on their website, making this information accessible to the public without imposing additional costs and staff resources upon state agencies.

The BCE respectfully asks for your no vote on this bill.

Please contact me at (916) 263-5359 if you have any questions regarding the BCE's position on this bill. Thank you for your consideration.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "R. Puleo", written over the typed name.

ROBERT PULEO  
Executive Officer

cc: Members, Senate Appropriations Committee

## Board of Chiropractic Examiners Bill Analysis

**Bill Number:** SB 306  
**Author:** Senator Curren Price  
**Bill Version:** Amended May 7, 2013  
**Subject:** Healing Arts: boards.  
**Sponsor:**

**STATUS OF BILL:** Passed Senate floor on 05/25/13 (38-0). Ordered to Assembly, read 1<sup>st</sup> time and held at desk.

### **SUMMARY:**

This bill would require legislative review of several healing arts boards, including the Board of Chiropractic Examiners.

### **EXISTING LAW:**

- The Chiropractic Initiative Act of California establishes the Board of Chiropractic Examiners and provides for the licensure and regulation of chiropractors.
- The Chiropractic Initiative Act can only be changed through an initiative placed on a ballot for a vote by the People.
- Establishes the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board and provides for the licensure, of speech-language pathologists, audiologists, and hearing aid dispensers.
- Provides for the licensure and regulation of occupational therapists by the California Board of Occupational Therapy

### **THIS BILL WOULD:**

- Subject the BCE to review by appropriate policy committees of the Legislature as if the chapter were scheduled to be repealed as of January 1, 2018.
- Repeal the provisions of the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board and the California Board of Occupational Therapy and subject them to review by the appropriate policy committees of the Legislature.

### **BACKGROUND:**

The Joint Sunset Review Committee identifies waste, duplication and inefficiencies within government agencies through a comprehensive review and analysis of every state agency. This bill establishes a new Sunset date for specified boards and subjects them to a future review by the Legislature.

### **FISCAL IMPACT:**

This bill will not impose a new fiscal impact upon the BCE as this bill would establish a new timeframe for Legislative review of the BCE.

### **SUPPORT & OPPOSITION:**

Support:

- Occupational Therapy Association of California

Opposition: None on record

### **ARGUMENTS:**

Pro:

- Although the Chiropractic Initiative Act cannot be repealed by the Legislature, this review process ensures that the BCE continues to operate in the most effective and efficient manner.
- The review process helps state agencies identify their strengths and weaknesses and provides an opportunity to improve their service to the public.
- The review process allows boards to identify their challenges and seek assistance from the Legislature through legislative bills or appropriations.

Con:

- None that affect the BCE.

### **STAFF RECOMMENDED POSITION: WATCH**

\* The Sen. B.,P. & E.D Committee advised the BCE that the contents of this bill will be moved into SB 305.

AMENDED IN SENATE MAY 7, 2013  
AMENDED IN SENATE APRIL 18, 2013

**SENATE BILL**

**No. 306**

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**Introduced by Senator Price**  
(Principal coauthor: Assembly Member Gordon)

February 15, 2013

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An act to amend Sections 1000, 2530.2, 2531, 2531.75, 2533, 2570.19, 2602, and 2607.5 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 306, as amended, Price. Healing arts: boards.

The Chiropractic Act, enacted by an initiative measure, provides for the regulation and licensing of chiropractors in this state by the State Board of Chiropractic Examiners. Existing law specifies that the law governing chiropractors is found in the act.

This bill would require that the powers and duties of the board, as provided, be subject to review by the appropriate policy committees of the Legislature. The bill would require that the review of the board be performed as if these provisions were scheduled to be repealed on January 1, 2018.

Existing law, the Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act, provides for the licensure and regulation of speech-language pathologists, audiologists, and hearing aid dispensers by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board. The act authorizes the board to appoint an executive officer. Existing law repeals these provisions on January 1, 2014, and subjects the board to review by the Joint Committee on Boards, Commissions, and Consumer Protection.

This bill would extend the operation of these provisions until January 1, 2018, and provide that the repeal of these provisions subjects the board to review by the appropriate policy committees of the Legislature. ~~The bill would also rename the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board as the California Speech and Hearing Board. The bill would make conforming changes.~~

The Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act also authorizes the board to refuse to issue, or issue subject to terms and conditions, a license on specified grounds, including, among others, securing a license by fraud or deceit.

This bill would additionally authorize the board to refuse to issue, or issue subject to terms and conditions, a license for a violation of a term or condition of a probationary order of a license issued by the board, as provided.

Existing law, the Occupational Therapy Practice Act, provides for the licensure and regulation of occupational therapists, as defined, by the California Board of Occupational Therapy. Existing law repeals those provisions on January 1, 2014, and subjects the board to review by the Joint Committee on Boards, Commissions, and Consumer Protection.

This bill would extend the operation of these provisions until January 1, 2018, and provide that the repeal of these provisions subjects the board to review by the appropriate policy committees of the Legislature.

Existing law, the Physical Therapy Practice Act, provides for the licensure and regulation of physical therapists by the Physical Therapy Board of California. The act authorizes the board to appoint an executive officer. Existing law repeals these provisions on January 1, 2014.

This bill would extend the operation of these provisions until January 1, 2018.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1000 of the Business and Professions
- 2 Code is amended to read:
- 3 1000. The law governing practitioners of chiropractic is found
- 4 in an initiative act entitled "An act prescribing the terms upon
- 5 which licenses may be issued to practitioners of chiropractic,
- 6 creating the State Board of Chiropractic Examiners and declaring



1 its powers and duties, prescribing penalties for violation hereof,  
2 and repealing all acts and parts of acts inconsistent herewith,”  
3 adopted by the electors November 7, 1922. Notwithstanding any  
4 other law, the powers and duties of the State Board of Chiropractic  
5 Examiners, as set forth in this article and under the act creating  
6 the board, shall be subject to review by the appropriate policy  
7 committees of the Legislature. The review shall be performed as  
8 if this chapter were scheduled to be repealed as of January 1, 2018.

9 SEC. 2. Section 2530.2 of the Business and Professions Code  
10 is amended to read:

11 2530.2. As used in this chapter, unless the context otherwise  
12 requires:

13 (a) “Board” means the ~~California Speech and Hearing Board.~~  
14 ~~As used in this chapter or any other provision of law,~~  
15 ~~“Speech-Language Pathology and Audiology and Hearing Aid~~  
16 ~~Dispensers Board” or “Speech-Language Pathology and Audiology~~  
17 ~~Board” shall be deemed to refer to the California Speech and~~  
18 ~~Hearing Board or any successor. *Speech-Language Pathology and*~~  
19 ~~*Audiology and Hearing Aid Dispensers Board.*~~

20 (b) “Person” means any individual, partnership, corporation,  
21 limited liability company, or other organization or combination  
22 thereof, except that only individuals can be licensed under this  
23 chapter.

24 (c) A “speech-language pathologist” is a person who practices  
25 speech-language pathology.

26 (d) The practice of speech-language pathology means all of the  
27 following:

28 (1) The application of principles, methods, instrumental  
29 procedures, and noninstrumental procedures for measurement,  
30 testing, screening, evaluation, identification, prediction, and  
31 counseling related to the development and disorders of speech,  
32 voice, language, or swallowing.

33 (2) The application of principles and methods for preventing,  
34 planning, directing, conducting, and supervising programs for  
35 habilitating, rehabilitating, ameliorating, managing, or modifying  
36 disorders of speech, voice, language, or swallowing in individuals  
37 or groups of individuals.

38 (3) Conducting hearing screenings.

1 (4) Performing suctioning in connection with the scope of  
2 practice described in paragraphs (1) and (2), after compliance with  
3 a medical facility's training protocols on suctioning procedures.

4 (e) (1) Instrumental procedures referred to in subdivision (d)  
5 are the use of rigid and flexible endoscopes to observe the  
6 pharyngeal and laryngeal areas of the throat in order to observe,  
7 collect data, and measure the parameters of communication and  
8 swallowing as well as to guide communication and swallowing  
9 assessment and therapy.

10 (2) Nothing in this subdivision shall be construed as a diagnosis.  
11 Any observation of an abnormality shall be referred to a physician  
12 and surgeon.

13 (f) A licensed speech-language pathologist shall not perform a  
14 flexible fiberoptic nasendoscopic procedure unless he or she has  
15 received written verification from an otolaryngologist certified by  
16 the American Board of Otolaryngology that the speech-language  
17 pathologist has performed a minimum of 25 flexible fiberoptic  
18 nasendoscopic procedures and is competent to perform these  
19 procedures. The speech-language pathologist shall have this written  
20 verification on file and readily available for inspection upon request  
21 by the board. A speech-language pathologist shall pass a flexible  
22 fiberoptic nasendoscopic instrument only under the direct  
23 authorization of an otolaryngologist certified by the American  
24 Board of Otolaryngology and the supervision of a physician and  
25 surgeon.

26 (g) A licensed speech-language pathologist shall only perform  
27 flexible endoscopic procedures described in subdivision (e) in a  
28 setting that requires the facility to have protocols for emergency  
29 medical backup procedures, including a physician and surgeon or  
30 other appropriate medical professionals being readily available.

31 (h) "Speech-language pathology aide" means any person  
32 meeting the minimum requirements established by the board, who  
33 works directly under the supervision of a speech-language  
34 pathologist.

35 (i) (1) "Speech-language pathology assistant" means a person  
36 who meets the academic and supervised training requirements set  
37 forth by the board and who is approved by the board to assist in  
38 the provision of speech-language pathology under the direction  
39 and supervision of a speech-language pathologist who shall be

1 responsible for the extent, kind, and quality of the services provided  
2 by the speech-language pathology assistant.

3 (2) The supervising speech-language pathologist employed or  
4 contracted for by a public school may hold a valid and current  
5 license issued by the board, a valid, current, and professional clear  
6 clinical or rehabilitative services credential in language, speech,  
7 and hearing issued by the Commission on Teacher Credentialing,  
8 or other credential authorizing service in language, speech, and  
9 hearing issued by the Commission on Teacher Credentialing that  
10 is not issued on the basis of an emergency permit or waiver of  
11 requirements. For purposes of this paragraph, a "clear" credential  
12 is a credential that is not issued pursuant to a waiver or emergency  
13 permit and is as otherwise defined by the Commission on Teacher  
14 Credentialing. Nothing in this section referring to credentialed  
15 supervising speech-language pathologists expands existing  
16 exemptions from licensing pursuant to Section 2530.5.

17 (j) An "audiologist" is one who practices audiology.

18 (k) "The practice of audiology" means the application of  
19 principles, methods, and procedures of measurement, testing,  
20 appraisal, prediction, consultation, counseling, instruction related  
21 to auditory, vestibular, and related functions and the modification  
22 of communicative disorders involving speech, language, auditory  
23 behavior or other aberrant behavior resulting from auditory  
24 dysfunction; and the planning, directing, conducting, supervising,  
25 or participating in programs of identification of auditory disorders,  
26 hearing conservation, cerumen removal, aural habilitation, and  
27 rehabilitation, including, hearing aid recommendation and  
28 evaluation procedures including, but not limited to, specifying  
29 amplification requirements and evaluation of the results thereof,  
30 auditory training, and speech reading, and the selling of hearing  
31 aids.

32 (l) A "dispensing audiologist" is a person who is authorized to  
33 sell hearing aids pursuant to his or her audiology license.

34 (m) "Audiology aide" means any person meeting the minimum  
35 requirements established by the board. An audiology aid may not  
36 perform any function that constitutes the practice of audiology  
37 unless he or she is under the supervision of an audiologist. The  
38 board may by regulation exempt certain functions performed by  
39 an industrial audiology aide from supervision provided that his or

1 her employer has established a set of procedures or protocols that  
2 the aide shall follow in performing these functions.

3 (n) "Medical board" means the Medical Board of California.

4 (o) A "hearing screening" performed by a speech-language  
5 pathologist means a binary puretone screening at a preset intensity  
6 level for the purpose of determining if the screened individuals  
7 are in need of further medical or audiological evaluation.

8 (p) "Cerumen removal" means the nonroutine removal of  
9 cerumen within the cartilaginous ear canal necessary for access in  
10 performance of audiological procedures that shall occur under  
11 physician and surgeon supervision. Cerumen removal, as provided  
12 by this section, shall only be performed by a licensed audiologist.  
13 Physician and surgeon supervision shall not be construed to require  
14 the physical presence of the physician, but shall include all of the  
15 following:

16 (1) Collaboration on the development of written standardized  
17 protocols. The protocols shall include a requirement that the  
18 supervised audiologist immediately refer to an appropriate  
19 physician any trauma, including skin tears, bleeding, or other  
20 pathology of the ear discovered in the process of cerumen removal  
21 as defined in this subdivision.

22 (2) Approval by the supervising physician of the written  
23 standardized protocol.

24 (3) The supervising physician shall be within the general  
25 vicinity, as provided by the physician-audiologist protocol, of the  
26 supervised audiologist and available by telephone contact at the  
27 time of cerumen removal.

28 (4) A licensed physician and surgeon may not simultaneously  
29 supervise more than two audiologists for purposes of cerumen  
30 removal.

31 SEC. 3. Section 2531 of the Business and Professions Code is  
32 amended to read:

33 2531. (a) There is in the Department of Consumer Affairs the  
34 ~~California Speech and Hearing Board~~ *Speech-Language Pathology*  
35 *and Audiology and Hearing Aid Dispensers Board* in which the  
36 enforcement and administration of this chapter are vested. The  
37 ~~California Speech and Hearing Board~~ *Speech-Language Pathology*  
38 *and Audiology and Hearing Aid Dispensers Board* shall consist  
39 of nine members, three of whom shall be public members.

1 (b) This section shall remain in effect only until January 1, 2018,  
2 and as of that date is repealed, unless a later enacted statute, that  
3 is enacted before January 1, 2018, deletes or extends that date.  
4 Notwithstanding any other law, the repeal of this section renders  
5 the board subject to review by the appropriate policy committees  
6 of the Legislature.

7 SEC. 4. Section 2531.75 of the Business and Professions Code  
8 is amended to read:

9 2531.75. (a) The board may appoint a person exempt from  
10 civil service who shall be designated as an executive officer and  
11 who shall exercise the powers and perform the duties delegated  
12 by the board and vested in him or her by this chapter.

13 (b) This section shall remain in effect only until January 1, 2018,  
14 and as of that date is repealed, unless a later enacted statute, that  
15 is enacted before January 1, 2018, deletes or extends that date.

16 SEC. 5. Section 2533 of the Business and Professions Code is  
17 amended to read:

18 2533. The board may refuse to issue, or issue subject to terms  
19 and conditions, a license on the grounds specified in Section 480,  
20 or may suspend, revoke, or impose terms and conditions upon the  
21 license of any licensee for any of the following:

22 (a) Conviction of a crime substantially related to the  
23 qualifications, functions, and duties of a speech-language  
24 pathologist or audiologist or hearing aid dispenser, as the case may  
25 be. The record of the conviction shall be conclusive evidence  
26 thereof.

27 (b) Securing a license by fraud or deceit.

28 (c) (1) The use or administering to himself or herself, of any  
29 controlled substance; (2) the use of any of the dangerous drugs  
30 specified in Section 4022, or of alcoholic beverages, to the extent,  
31 or in a manner as to be dangerous or injurious to the licensee, to  
32 any other person, or to the public, or to the extent that the use  
33 impairs the ability of the licensee to practice speech-language  
34 pathology or audiology safely; (3) more than one misdemeanor or  
35 any felony involving the use, consumption, or self-administration  
36 of any of the substances referred to in this section; or (4) any  
37 combination of paragraph (1), (2), or (3). The record of the  
38 conviction shall be conclusive evidence of unprofessional conduct.

39 (d) Advertising in violation of Section 17500. Advertising an  
40 academic degree that was not validly awarded or earned under the

1 laws of this state or the applicable jurisdiction in which it was  
2 issued is deemed to constitute a violation of Section 17500.

3 (e) Committing a dishonest or fraudulent act that is substantially  
4 related to the qualifications, functions, or duties of a licensee.

5 (f) Incompetence, gross negligence, or repeated negligent acts.

6 (g) Other acts that have endangered or are likely to endanger  
7 the health, welfare, and safety of the public.

8 (h) Use by a hearing aid dispenser of the term "doctor" or  
9 "physician" or "clinic" or "audiologist," or any derivation thereof,  
10 except as authorized by law.

11 (i) The use, or causing the use, of any advertising or promotional  
12 literature in a manner that has the capacity or tendency to mislead  
13 or deceive purchasers or prospective purchasers.

14 (j) Any cause that would be grounds for denial of an application  
15 for a license.

16 (k) Violation of Section 1689.6 or 1793.02 of the Civil Code.

17 (l) Violation of a term or condition of a probationary order of  
18 a license issued by the board pursuant to Chapter 5 (commencing  
19 with Section 11500) of Part 1 of Division 3 of Title 2 of the  
20 Government Code.

21 SEC. 6. Section 2570.19 of the Business and Professions Code  
22 is amended to read:

23 2570.19. (a) There is hereby created a California Board of  
24 Occupational Therapy, hereafter referred to as the board. The board  
25 shall enforce and administer this chapter.

26 (b) The members of the board shall consist of the following:

27 (1) Three occupational therapists who shall have practiced  
28 occupational therapy for five years.

29 (2) One occupational therapy assistant who shall have assisted  
30 in the practice of occupational therapy for five years.

31 (3) Three public members who shall not be licentiates of the  
32 board, of any other board under this division, or of any board  
33 referred to in Section 1000 or 3600.

34 (c) The Governor shall appoint the three occupational therapists  
35 and one occupational therapy assistant to be members of the board.  
36 The Governor, the Senate Committee on Rules, and the Speaker  
37 of the Assembly shall each appoint a public member. Not more  
38 than one member of the board shall be appointed from the full-time  
39 faculty of any university, college, or other educational institution.

1 (d) All members shall be residents of California at the time of  
2 their appointment. The occupational therapist and occupational  
3 therapy assistant members shall have been engaged in rendering  
4 occupational therapy services to the public, teaching, or research  
5 in occupational therapy for at least five years preceding their  
6 appointments.

7 (e) The public members may not be or have ever been  
8 occupational therapists or occupational therapy assistants or in  
9 training to become occupational therapists or occupational therapy  
10 assistants. The public members may not be related to, or have a  
11 household member who is, an occupational therapist or an  
12 occupational therapy assistant, and may not have had, within two  
13 years of the appointment, a substantial financial interest in a person  
14 regulated by the board.

15 (f) The Governor shall appoint two board members for a term  
16 of one year, two board members for a term of two years, and one  
17 board member for a term of three years. Appointments made  
18 thereafter shall be for four-year terms, but no person shall be  
19 appointed to serve more than two consecutive terms. Terms shall  
20 begin on the first day of the calendar year and end on the last day  
21 of the calendar year or until successors are appointed, except for  
22 the first appointed members who shall serve through the last  
23 calendar day of the year in which they are appointed, before  
24 commencing the terms prescribed by this section. Vacancies shall  
25 be filled by appointment for the unexpired term. The board shall  
26 annually elect one of its members as president.

27 (g) The board shall meet and hold at least one regular meeting  
28 annually in the Cities of Sacramento, Los Angeles, and San  
29 Francisco. The board may convene from time to time until its  
30 business is concluded. Special meetings of the board may be held  
31 at any time and place designated by the board.

32 (h) Notice of each meeting of the board shall be given in  
33 accordance with the Bagley-Keene Open Meeting Act (Article 9  
34 (commencing with Section 11120) of Chapter 1 of Part 1 of  
35 Division 3 of Title 2 of the Government Code).

36 (i) Members of the board shall receive no compensation for  
37 their services, but shall be entitled to reasonable travel and other  
38 expenses incurred in the execution of their powers and duties in  
39 accordance with Section 103.

1 (j) The appointing power shall have the power to remove any  
2 member of the board from office for neglect of any duty imposed  
3 by state law, for incompetency, or for unprofessional or  
4 dishonorable conduct.

5 (k) This section shall remain in effect only until January 1, 2018,  
6 and as of that date is repealed, unless a later enacted statute, that  
7 is enacted before January 1, 2018, deletes or extends that date.  
8 Notwithstanding any other law, the repeal of this section renders  
9 the board subject to review by the appropriate policy committees  
10 of the Legislature.

11 SEC. 7. Section 2602 of the Business and Professions Code is  
12 amended to read:

13 2602. The Physical Therapy Board of California, hereafter  
14 referred to as the board, shall enforce and administer this chapter.

15 This section shall remain in effect only until January 1, 2018,  
16 and as of that date is repealed, unless a later enacted statute, that  
17 is enacted before January 1, 2018, deletes or extends that date.

18 Notwithstanding any other provision of law, the repeal of this  
19 section renders the board subject to review by the appropriate  
20 policy committees of the Legislature.

21 SEC. 8. Section 2607.5 of the Business and Professions Code  
22 is amended to read:

23 2607.5. (a) The board may appoint a person exempt from civil  
24 service who shall be designated as an executive officer and who  
25 shall exercise the powers and perform the duties delegated by the  
26 board and vested in him or her by this chapter.

27 (b) This section shall remain in effect only until January 1, 2018,  
28 and as of that date is repealed, unless a later enacted statute, that  
29 is enacted before January 1, 2018, deletes or extends that date.